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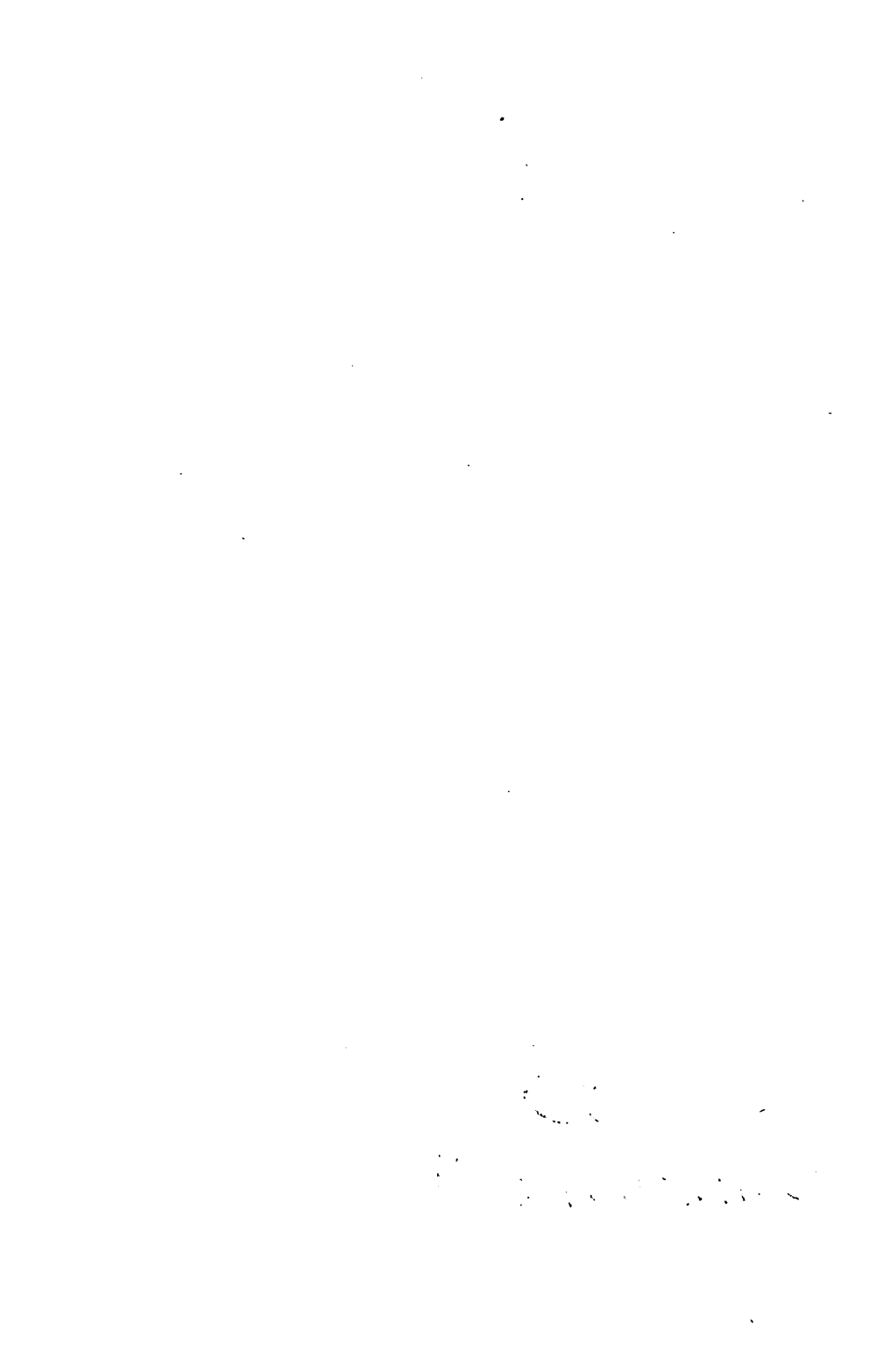
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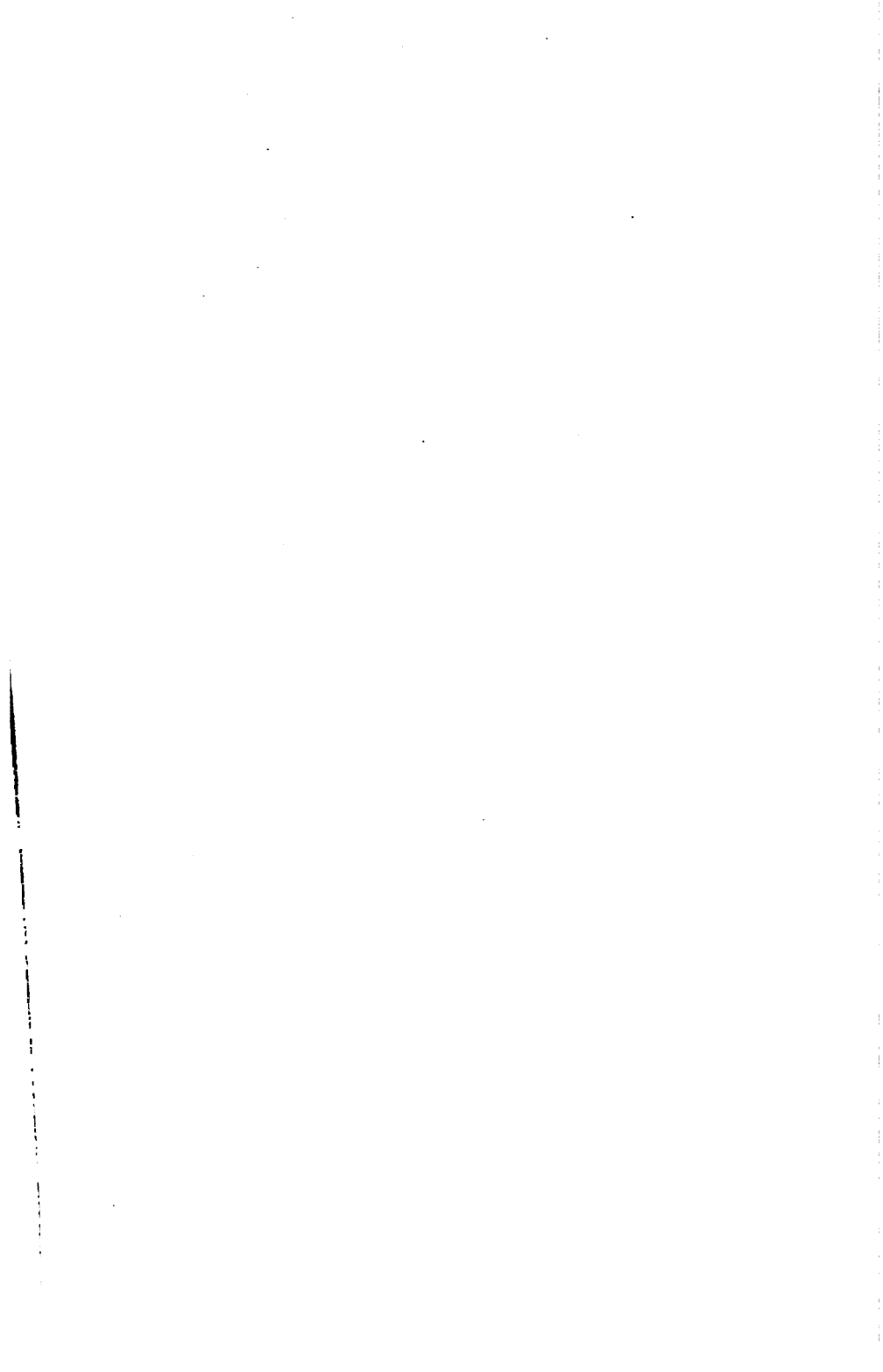
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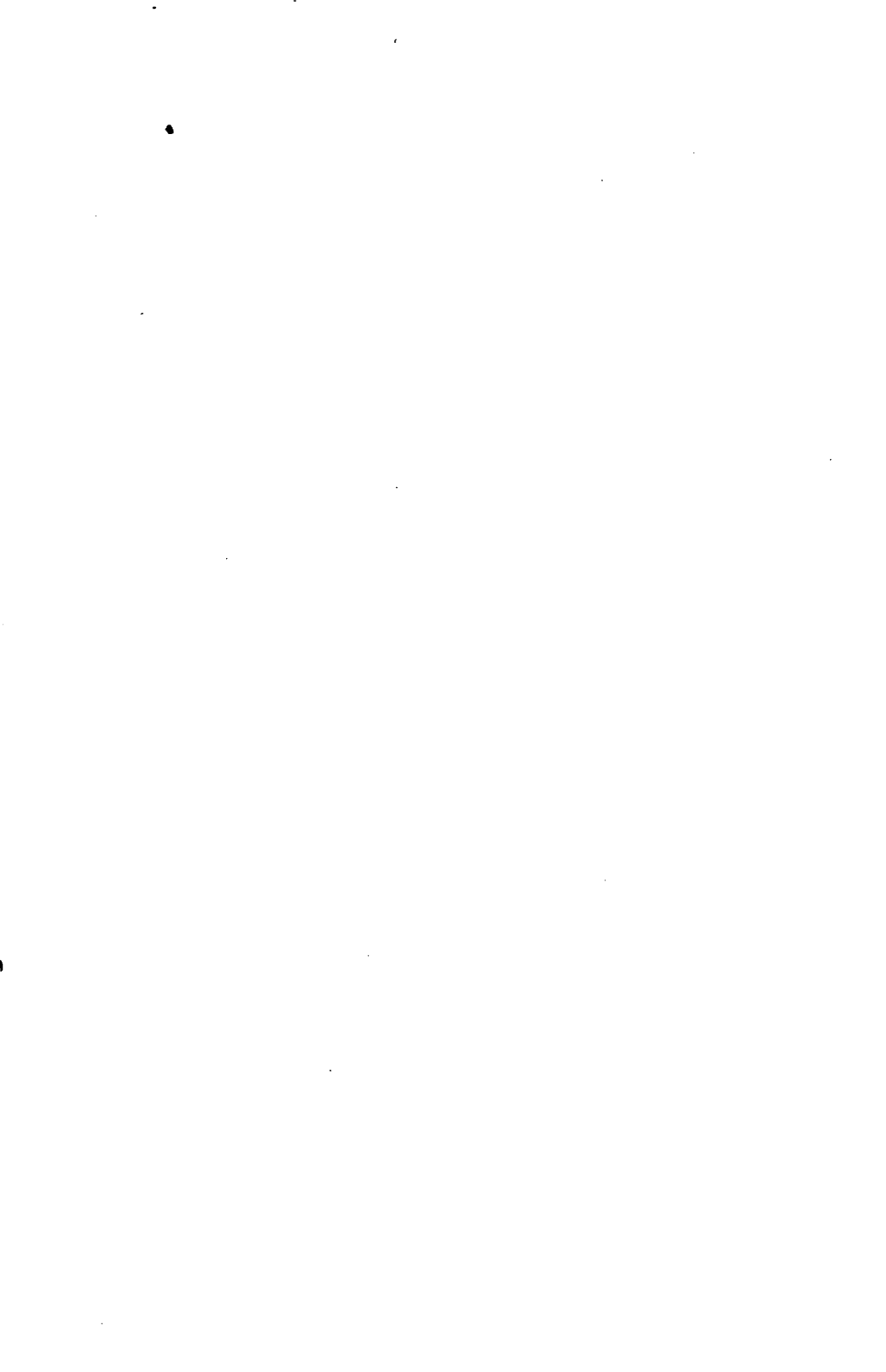
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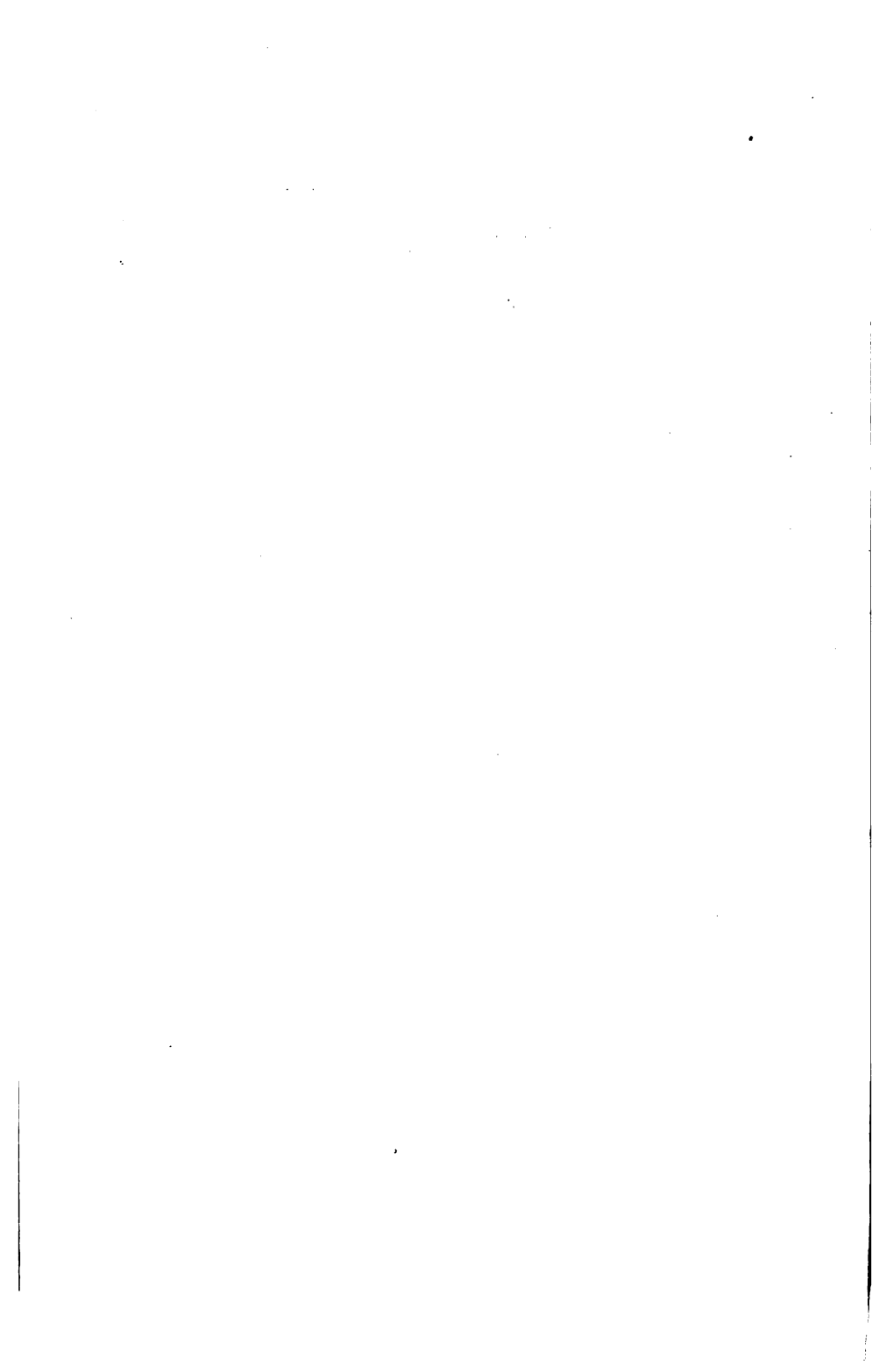


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VOLUME XXXV.

1897

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IN THE

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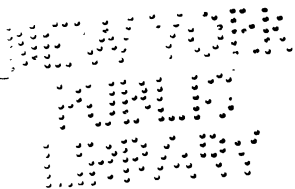
TIME OF

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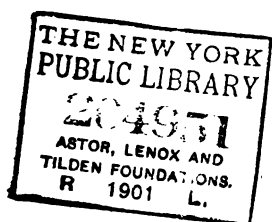


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ERRATUM.

Volume 35, Introduction, line 6, *for* 1445 to 1461
read 1532 to 1546.

INTRODUCTION.

THE Extracts from the Pleadings and Depositions in this (the second) volume are selected from those referring to the period between the 24th and the last year of Henry VIII., *i.e.* from A.D. 1445 to 1461, and a few which are known to belong to the time of this King, but to which no more exact date can be assigned.

The subjects to which these cases refer will be found as varied, and, it is hoped, as interesting and valuable as those contained in the former volume.

The index of names and places has been compiled by my daughter, Miss Jane Fishwick.

THE HEIGHTS,
ROCHDALE.

Errata.

VOL. I.

Page 122. Vol. xv. R. 1. The heading to this should be :

JOHN RADCLYFF AND WILLIAM GALEY, LESSEES OF SIR THOMAS
WEST, KNIGHT, LORD DE LA WARRE, AND THE MASTER COMPANY
OF THE COLLEGE OF MANCHESTER *versus* ROGER HEYTON *re*
MANCHESTER, MILLS, COLLEGE, FREE SCHOOL, &c.

Page 49. Heading (vol. lvii. n.d.)

SIR GEOFFRY GRYMSDYCHE, *Knight* read *Priest*.

(this is a mistake in the "Ducatus.")

Page 29, line 10, *Defendant* read *Deponent*.

VOL. II.

Page 29, 13th line from bottom, for *Margaret* read *Elizabeth*.

Page 183, 8th line from top, for *Thomas Banaster* read *Richard*.

Page 190, 7th line from bottom, for *Rohert* read *Robert*.

Pleadings and Depositions
in the
Lancaster Duchy Court.

TIME OF HENRY VIII.

THE KING *versus* THE TENANTS OF BLACKBURN *re* PROHIBITION
AGAINST LETTING LANDS IN SMALL SEVERALTIES AT PENHULL

CHACE, TROWDEN, AND ROSSENDALE FORESTS.

HENRY, to Our trusty and well-beloved Sir Richard Tempest, Knight, Steward of Our Forest and Chaces of Penhull, Trowden, and Rossendall, and of all other Our lands and tenements within Blackburn, in the county of Lancaster, parcel of Our Duchy of Lancaster, and to his deputy there greeting. Whereas certain lands within our said Forest and Chaces of late were let by copy of Court Roll, by virtue of a Commission in the time of Our late Father, Henry VII., to divers inhabitants there, who have since built upon the said parcels of ground and have made divers inhabitants upon the same; and now, We be informed, that the occupiers of the said parcels have severed them into many small "quillettes"¹ to little value, to the deterioration of the inhabitants in the same, "which wee in noe wise will suffer:" Now, We, considering the premises, desire and charge you that from henceforth you in no wise suffer any Our tenants within Our said Forest

Vol. viii.
[Calendar 6.]
R. 7.
24 Hen. VIII.
[1532-33.]

¹ Quillet—a small croft or plot of land.

and Chaces occupying any of the premises, to bargain, let, or surrender any parcel of their said holdings to any other person or persons for term of life, yeres, or otherwise, but that always every of their said tenants so let or granted shall be at the least to the clear yearly value of xxvjs. viiij. above all charges, and if any Our tenants hereafter attempt to do to the contrary and will not be conformable to your order, then you shall seize their holdings so "mysused" into Our hands until you know Our further pleasure in that behalf. "Not saylinge hereof as wee truste you."

Given &c., 14th May, anno Regni Regis Henrici octavi xxiiij°. [1532.]

THOMAS A' BRIGGS *versus* WILLIAM KNYPE, *re* TITLE TO A
TENEMENT CALLED BRIGHOUSE, IN KARTMELFELL
[CARTMEL FELL].

Vol. vii.
[Calendar 5.]
B. 10.
24 Hen. VIII.
[1532-33.]

THOMAS A. Brigges, of Kartmelfell [Cartmel Fell], in the county of Lancaster, complains that where one Robert A. Brygges, deceased, his father, about 30 years ago, for a certain fine by him paid to one William Knype, of the said county, took of the said William a tenement with the apputenance called Brighouse, in Kartmelfell [Cartmel Fell], parcel of the Duchy of Lancaster, whereof the said William then was, and yet is, "very" owner in fee simple to the said Robert, after the custom called tenant-right, which is that if any person take any lands in the said county from the owners and pay a fine for the same, that then they shall enjoy such lands from heir to heir without any "expulcyon" by the parties making such leases, provided always that they pay the rents and services between them agreed. By force whereof the said Robert entered into the said premises, and he being so thereof seised, it was agreed between him and the said William Knype that if Isabel, then the wife of the said Robert A. Brigges, should overlive her husband she should enjoy the said tenement for her life, for the which agreement the said Robert paid a certain fine. After his death, the said Isabel enjoyed the premises a long time, she paying all the rents due for the same.

When she died, your orator, as son and heir of the said Robert, entered into the said tenement and peaceably possessed the same for 8 years, during which time he also well and truly paid all the rents and services for the same: this notwithstanding, the said William Knype, "of hys hygh mynde and for dedly malice that he beryth agein your said suppliaunt wythout color or tyle," accompanied by 6 or 7 persons in riotous manner arrayed, on the 12th day of September, 23 Henry VIII. [1531], forcibly entered into the said tenement and with violence expelled plaintiff, his wife, children, and family, and keeps the same from him against all right and equity.

Prays for writ of Privy Seal to be directed against the said William Knype.

The answer of William Knype.

B. 10. a.

Defendant says that Antony Knype, his father, was seised of the premises in his demesne as of fee, and so seised held the same of one William Thorneburgh, Esq., by knight's service, and had issue the said defendant, and died seised of the said premises, the said defendant, his son and heir, being then under age, whereby the said Thorneburgh seised his said land and body and demised the former to the said Robert A. Brigges, father of the said plaintiff, to occupy the same during his interest. When defendant was of full age he suffered the said Robert to occupy at his will by reason of the first possession.

After that, the said Robert lying on his death bed "beyng moved with conscience" sent for defendant and confessed to him that he had felled many timber trees and other woods growing on the said premises and had built houses with the same upon his own proper inheritance to the loss of the said William Knype. The said Robert then begged for forgiveness, and willed Isabel, then his wife, to pay to defendant 40s. in recompence of the said waste, which she accordingly did after his death. Without that that the said defendant at any time distrained the said Robert, Isabel, and Thomas, of the said sum, or of any fine for the premises.

During the possession of the said Isabel and Thomas the rent for the premises was unpaid for 3 years, contrary to the custom of

tenant-right, whereupon defendant went to the said tenement wherein one William Hoyesone then dwelt as undertenant to plaintiff and asked him in a peaceable manner to depart from defendant's inheritance, which he at once did, and then defendant entered into the same. Defendant only took with him William Berwyk, his servant. The said custom of tenant-right is that if any tenant make an undertenant without licence of the owner then it shall be lawful for the lessor to re-enter for forfeiture, so that plaintiff had forfeited his lease of the premises because he made the said William Hoyeson his undertenant without the assent of defendant.

THE TENANTS OF CROSBY *versus* NICHOLSON JOHNSON, JAMES
BLUNDELL AND OTHERS, *re* INFRINGEMENT OF TENANT'S-
RIGHT FOR BUILDING ON THE PRECINCT OF
CROSBY TOWN.

To the Right Honorable Sir William Fitzwilliam, Knight.

Vol. xx. N. D.
[Calendar 4,
N. D.]
C. 19.
24 Hen. VIII.
[1532-33.]

THE King's tenants of Moche Crosby, in the Duchy of Lancaster, that where it has been the custom in the said town from time immemorial, as appears in the Court Rolls of the said lordship that no man shall build any house within the said lordship except within the precincts of the said town, "And where a house hath been afore tyme bylded, Except it be bylded by consent of the King's tenants:" Yet that notwithstanding one Nicholas Johnson, of the said town, of his extort power and against the wills of the said tenants, having with him James Blundell, of Ince-blundell, in the county of Lancaster, gentleman, and about 40 other persons riotously arrayed, with threatening words, knowing that plaintiff was bound to the peace, "Reryd and bylde" a house, saying that whosoever should raise a hand to stop them should have strokes.

Plaintiff, intending the King's peace, "advertised" the said Johnson to depart from the said ground until it had been tried by the law whether he had a right so to build, and the constables of the said town upon pain of roos. so to do, but he absolutely

refused, and has built the said house. Moreover, the said Nicholas, with 8 others, for about 3 weeks after the said house was built, armed with bows, arrows, bucklers, &c., kept watch by night, so that the said tenants for fear of their life durst not walk out in the evening as they had been accustomed to, to see their goods.

Besides this, the said Nicholas on St. Michael's Even, in Monte Tumber, 24 Henry VIII. [1532] went into the Chapel of St. Michael in the said town, and kept the door "stoke" in, so that neither strange pilgrims nor plaintiffs could for a long time enter the said chapel to say their devotions or make their offerings.

Pray for remedy.

THOMAS WALTON *versus* JAMES WALTON, *re* TITLE TO BURGAGES,
BARN, HORSE MILL, &c., AT PRESTON.

*To the Right Worshipfull Sir Thomas More, Chancellor of the
Duchy of Lancaster.*

THOMAS Walton, of Barmondese, in the county of Surrey, yeoman, son of James Walton, now deceased, late of Preston, in the county of Lancaster, complains that where the said James was seised of a burgage called a messuage and a half burgage with appurtenances in Preston of the yearly value of 20s. in his demesne as of fee, and so being thereof seised by deed granted the said premises to plaintiff for his life; and whereas the said James was likewise possessed of another burgage with a garden, a horse mill, a "kylne to drye malte and all other maner greyn," and a pasture called the *Hall meadow* to the said burgage belonging called the *Kyrkland* with appurtenances in Preston for certain years yet enduring; and so seised made his will whereby he gave to Elyn, then his wife, the said term of years, willing that if she should die before the same had expired, that then the residue of the said term should remain to plaintiff. After the death of the said James, the said Elyn entered into the said burgage and took the profits thereof to the yearly value of 5 marks. Upon the decease of the said Elyn, the said premises remained to plaintiff

Vol. vi.
[Calendar 18.]
W. 10. b.
24 Hen. VIII.
[1532-33.]

by reason of the said will and gift : Now so it is, that one James Walton, the younger, of Preston, of his mighty power, without right or title, has entered into all the said premises and has occupied them for 5 years, and has taken the profits thereof during all that time, to the yearly value of £4 6s. 8d.

As plaintiff is a very poor man "nott able to sewe the common lawe," and the said James Walton has great "Maystershyps" and is greatly "frended in the said shyre of Lancaschyre," and has threatened plaintiff so cruelly that he dare not come and occupy to the said premises himself or let them to others to his use, plaintiff prays for a "wrytte sub pena" to be directed to the said James, commanding him to answer the premises.

"T. Mich. a° xx°.

H^oupon a prive seale to James Walton, the yongger, to apper xvth Hill. prox."

W. 10.

The answer of James Walton to the bill of complaint of Thomas Walton.

Defendant says that before the said lease in the said bill supposed to be made by the said James, the father to the said plaintiff, Robert Cowell and John Hardson were seised of the said burgage and half burgage in their demesne as of fee, and gave the same to Agnes Walton for her life, with remainder to Richard Walton, son of the said James Walton, and to the heirs of his body, by reason whereof the said Agnes was seised of the said premises in her demesne as of freehold. After her death, the said Richard entered into the same and was thereof seised in his demesne as of fee-tail, and upon the decease of the said Richard the said premises descended to defendant as his son and heir, by reason whereof he is thereof seised as of fee-tail.

The said James Walton, the father, also held the other burgage and mill and other the premises of the Dean and Chapter of the new College of Leicester for a term of years, he paying to the said Dean and Chapter 13s. 4d. upon condition that if the said yearly rent should be behind for one half-year that then it should be lawful for the said Dean and Chapter to re-enter the said premises.

After the death of the said James Walton and Ellen his wife, plaintiff did not pay the said rent so that it is in arrear by more than a year, wherefore the said Dean and Chapter re-entered the said premises, and newly demised them to defendant's father, who afterwards assigned them to defendant, by reason whereof he took the profits thereof as lawful was for him to do.

The replication of Thomas Walton.

W. 10. a.

Plaintiff says that everything contained in his said bill is true, without that that the said Robert Cowell and John Hardson were ever seised of the said premises, &c., &c.

Commission dated at Westminster, 16th February, 20 Henry VIII. [1529] directed to Sir Thomas Southeworthe, Knight, Robert Swansey, gentleman, Thurstan Tyldisley, Esq. and Robert Houghton, gentleman, commanding them to find out the truth of the premises by examination of witnesses, &c.

W. 10. c.

To the Right Honourable Sir William Fitzwilliam, Knight.

Thomas Walton complains that whereas the commissioners appointed by the King to ascertain the truth of the matter in variance between himself and James Walton, the younger, found and made a certificate that plaintiff had a good title to the premises, by reason whereof it was ordered and decreed by the Chancellor in Michaelmas term last, 21 Henry VIII. [1529], that plaintiff should have possession of all the said premises, and that before the feast of the Purification of Our Lady then next ensuing should remove all such "stuff as was hys owne" upon the premises: Yet, this decree notwithstanding, defendant on the 1st of February last carried away the "steppe of Brasse that the Tryndyll of the myll shuld go in," which was there when he entered the said mill, whereby the said mill is decayed and cannot be used. The said James has also burned the "kyll" of the said mill, and has taken 21s. rent of one Elynor Woodhouse for one of the said burgages, and 7s. of Thomas Alcock for the rent of another burgage, and has put out all the tenants of the said tenements, saying that he would occupy the same, so that nobody dare occupy the said premises.

W. 10. d.

W. 10. c. The answer of James Walton.

Defendant says that the said "stepe of brasse" was his own property, and that certain of his goods still remain in the said mill, and he prays that plaintiff may be compelled to allow him to remove his goods peaceably, without that that defendant burnt the "kylle" of the said mill, &c., &c.

DECREES AND ORDERS. VOL 5., p. 391, MICH. TERM.
24 HENRY VIII.]1532].

Ordered that Thomas Walton shall have possession of the said burgage and a half burgage for his life according to the title: also to have the other premises for the term of years provided that the said James Walton shall have convenient leisure before the feast of the Purification of our Blessed Lady next, to remove his goods.

ANTHONY GRENE *versus* THOMAS LONGWORTH, *re* TITLE TO
WAY THROUGH CLOSES CALLED MARLED ERTHE AND
OVER MEDOW, IN LONGWORTH AND TURTON.

*To the Right Worshipfull and Discrete Sir William Fitzwilliam,
Knyght, and Chaunceler of the Duchie of Lancastre.*

Vol. vii.
[Calendar 5.]
G. 9.
24 Hen. VIII.
[1532-33.]

ANTHONY Grene, of Turton, in the county of Lancaster, yeoman, complains that so it was that Thomas Longworth, of Longworth, in the county of Lancaster, gentleman, Hugh Longworth, of the same, gentleman, Alexander Hasselam, of the same, labourer, and Peter Longworth, of the same, gentleman, with many other evil disposed persons, violently, with force and arms, on the 30th day of June, 24 Henry VIII. [1532], broke into certain closes of your orator, called the Marled Erthe and Over Medow, at Turton, and several times afterwards entered into the said 2 closes, "and the heggies of the said Antone Grene then and ther beyng to the ground drogh and distroed and over the sayd closes diverse weyis and gaytes made," whereof the said Thomas Longworth and the others are indicted at the general sessions, but as yet they have not discontinued their riots. As plaintiff is a very poor man he is not able to "sew" the course of the common law.

Prays for the King's "graciose wrytyng" under the privy seal, commanding the said rioters to appear to answer the premises.

"Termio S̄ci Hill. A° xxiiij."

H^upon a privy seale ayenst Thomas Longworthe and Hughe Longworthe to apper xvth Pasche prox." G. 9. a.

"The answer of Thomas Longworth, of Longworth, gentleman, to the bill of compleynt of Antony Grene."

Defendant says he is not guilty of any riot, and that the indictment against him at the general sessions is untrue.

He is inheritor in use or possession of certain lands and tenements in Longworth, in the parish of Bolton, in the county of Lancaster, to the yearly value of £10 or above, and that he and all those whose estate he has have been accustomed time out of mind to have a way through the said 2 closes, called the Marled Erthe, and the over medow at Turton, as well to the Chapel called Wannesley Chapel, in Turton, as to other places, by reason whereof defendant has used the said way there, as well before the said supposed riot as after, when he felt disposed.

There is no reason why plaintiff should sue the said Thomas Longworth at the common law at Lancaster and here also for the same cause.

LETHOM [LYTHAM] MONASTERY, RALPH, PRIOR OF, *versus*
THOMAS BOTELER, DAME MARGARET BUTLER, HIS MOTHER,
AND OTHERS, *re* TITLE TO LANDS AND WASTE GROUND IN
LETHOM [LYTHAM] MONASTERY, MUCH LATON.

To the Hight Hon. Sir William Fitzwilliam, Knight.

RAFFE, Prior of the Monastery of Lethom [Lytham], in the county of Lancaster, complains that where of late variance and debate was had between him and Dame Margaret Butler, widow, and Thomas Butler for riotous entry into a messuage of plaintiff, pulling down the same, and cutting loads of rushes growing upon plaintiff's ground and pasture in Lethom [Lytham]: and whereas also plaintiff proved his title to the premises which defendants could not do, it was decreed as follows: That plaintiff and

Vol. xxii.
[Calendar 16.]
L. 2.
L. 2, a. &c.,
&c.,
24 Hen. VIII.
[1532.]

his successors and their tenants should quietly occupy and enjoy all the waste ground in the said decree, comprised from and to the meres and bounds therein contained, with let of the said Dame Margaret and Thomas or their tenants or servants, who are not to meddle with the said bounds towards Lethom [Lytham] until they can show further proof to the court of their title to have common with their cattle within the said bounds: Yet, this decree notwithstanding, the said Dame Margaret and Thomas have tried by all the means in their power to stir up their tenants, being very numerous, who have lately claimed a common in plaintiff's waste ground. On the 4th May last [1532], about midnight, 200 of the said tenants armed with all sorts of weapons assembled on the said ground intending an insurrection, and there destroyed 400 "rodes" of ditches belonging to plaintiff. On the 7th of May [1532], they went again to the said ground and drove away 154 cattle belonging to plaintiff and his tenants, whereof they still retain 21 to their own use. Plaintiff sent one of his servants to "asspie" their doings, and when he asked them why they behaved thus, they answered that they would justify their deeds and would not let for lord nor king. One of plaintiff's tenants being there by chance said that such words were not well spoken, whereupon they led him to a pair of stocks and would have imprisoned him but some of their party, not approving of such strong measures, suffered him to depart. On the 9th May [1532], 300 of the said riotous persons entered the said ground and pulled down an old cross called the "Crosse of the hause," which had stood there time out of mind, and wherein was an image of St. Cuthbert which the said malefactors broke all to pieces; the said cross had always been a sure bound of the division of plaintiff's lands from those of the said Dame Margaret and Thomas Butler. At the same time they pulled down a house built on plaintiff's demesne land. Afterwards they threatened to pull down the said Monastery, and plaintiff, seeing them coming, suddenly caused one of the brethren and the priest of the Parish Church to take the Holy Sacrament from the altar with the crucifix and to go out and meet them, crying among them for God's peace and the King's, but their answer

was that they would keep no peace, that they had no master but the Sacrament for the sake of which they would leave off then but would go again another day. Plaintiff was in such dread of his life that he left the county and has never since returned to his Monastery. A warrant was issued against 17 of the principal rioters, but when the officers went to serve it they found such a number of persons assembled who all said that they would keep no peace until they had their common, and were so threatening that the sheriffs dare not meddle with any of them.

Prays for process against the said Dame Margaret and Thomas Butler, and the said rioters.

L. 2. h.

Rauff, Prior of Lathom [Lytham], complains that where Edmund, late Prior in Michaelmas term, 19 Henry VIII. [1527], exhibited a bill of complaint for great injury and wrong done by Thomas Butler, Esq. and Dame Margaret, his mother, and 100 of their servants and tenants who entered a messuage belonging to the said Prior, wherein Laurence Byllyngton then dwelt and utterly destroyed it; they also spoiled goods of the said Laurence to the value of £10, cut down 100 loads of rushes growing on the ground of the said prior. Writs of subpoena were directed against them but they would never come to make suit, but sent excuses, so that no satisfaction or recompence was ever made for the said wrongs. Since that time, John Bamburgh, of Much Laton, yeoman, and 6 of the servants of the said Thomas, on the feast of the "decolacon" of St. John Baptist last, came to the said priory and there assaulted Roulond Hudespath and others of plaintiff's servants, he then being at mass, whereby he was sore troubled. On the 22nd day August last [1532], the said Thomas Butler caused rushes growing on plaintiff's ground to be cut down, and has committed divers other trespasses and wrongs.

Prays for privy seal against the said Thomas Butler and John Bamburgh.

Michaelmas term [year not given].

Hereupon privy seal to Thomas Butler and John Bamburgh to appear 15 Hilary next.

The answer of Thomas Butler, Esq.

- L. 2. i. The house which was built by the late prior was situate upon part of the soil and waste ground of the manor of Laton, whereof the said Dame Margaret, defendant's mother, was, and is, owner in use for term of her life, in which waste ground all the tenants of the said manor have time out of mind had common for their beasts at all seasons of the year. It is commonly reported that some of the said tenants, thinking that the building of the said house was to their hindrance, pulled it down, supposing they might do so without any offence of the law.

- L. 2. j. The answer of Dame Margaret Boteler.

She knew nothing about any offences committed against the King's peace.

- L. 2. k. Writ dated 30th June, 24 Henry VIII. [1532], directed to the Justices of Assize of the county palatine of Lancaster, commanding them to call the said Dame Margaret Butler before them.

- L. 2. l. Writ dated 7th June, 24 Henry VIII. [1532], directed to Dame Margaret Butler, widow, late the wife of Thomas Butler, Knight, deceased, and Thomas Butler, Esq., son and heir of the said Sir Thomas, commanding them to appear and give further proof of their title to the premises.

- L. 2. m. The Certificate of Sir Anthony Fitzherbert, Knight, Justice of the Bench, made 18th October, 24 Henry VIII.

Saying that he received the King's Commission at Warrington, the Saturday next after the Assumption of Our Lady, and on the same day took the answer of the said Dame Margaret, as appears by a bill hereto annexed.

- L. 2. n. We received the King's Commission dated 14th May, in the 23rd year of his reign and assigned the parties to appear before us, 25th September, at the place in variance between them ; at which day the said Prior in his own person, and the said Thomas in his own person, and Sir William Plomptre chaplain, attorney for the said Dame Margaret, appeared before us : At which time we viewed the limits and bounds upon the said ground and took the depositions of divers witnesses.

Depositions for plaintiff.

George Noblet, of Warton, aged 60 years and more, tenant to the Earl of Derby, says that Edmund Noblet, his father, was bailiff to the Prior of Lathom [Lytham], when deponent was about 14 years old, and he well remembers that when Master Butler's tenants of Laton drove their cattle past the cross in the Hawes towards Lethom [Lytham], that his said father drove them back again until they had passed the said cross. When the said Prior was unable to drive back the said cattle by reason of the multitude of Mr. Bulter's servants and tenants, he sent 2 priests with the sacrament, and so drove the cattle past the said cross. The said cross in the hawes has always been taken to be the boundary which divided the lordship of Laton and the lordship of Lethom [Lytham], both by sea and land. The said Prior and his predecessors have ever been and yet are seised of the fishing of the water of the sea, "anendes" the said cross towards Lethom [Lytham], and Mr. Butler's tenants upon the other side towards Laton. Before the last commission, at Easter last, witness never heard of any man being killed at the said cross.

The said Thomas Butler and his tenants acknowledge that the said fishing was so occupied.

Robert Russell, of Lethom [Lytham], aged 68 years and more, Thomas Coly of the same, aged 60, Henry Salthowse of the same, aged 60, Richard Tynkler of the same, Richard Blevyn of the same, aged 60, John Crokey of the same, aged 50, Richard Harryson of the same, aged 60 years and more, Thomas Russell of the same, aged 50, Laurence Billyngton of the same, aged 70, William Lathom of the same, aged 50 years, and Robert Mercer of the same, aged 54, husbandmen, depose as above, and further say that the said Prior and his predecessors have always taken anchorage as well of the tenants of Laton as others from the water of the sea extending anends the said cross towards Lethom.

William Bony, of Warton, aged 70, tenant to Thomas Syngleton; Robert Hughson, of the same, aged 70, tenant to the Earl of Derby; Robert Bony, of the same, aged 50, tenant to William Clifton, husbandmen, depose as above.

Richard Harryson, of Frekulton, aged 80, tenant to the Earl of Derby; Nicholas Taillior, of Warton, aged 40 years and more, tenant to Thomas Syngleton, husbandmen, depose as above.

Edmund Benet, of Westby, aged 60 years, William Soworthe of the same, aged 60, Thomas Robinson of the same, aged 70, Thomas Fare of the same, aged 52, Robert Curtes of the same, aged 74, John Hall of the same, aged 60, tenants to William Clifton, Esq., husbandmen, depose as above.

James Breydekyrke, of Wra [Wrea], aged 60, tenant to the King; Edmund Gryffyn, of the same, aged 60 years and more, tenant to Robert Hesketh; Robert Ealeston, of the same, aged 60, tenant to Robert Johnson; Richard Key, of the same, aged 60, tenant to John Neisam; James Benson, of Ruby, aged 60 years and more, tenant to the King, depose as above.

James Carter, of Lethom [Lytham], aged 80 years, says that he was born in the Holme Howse where his father had dwelt for many years. He never heard that any licence was asked of Sir John Bulter for the building of the said house, nor was any money paid to the said Sir John or others for the same.

Robert Bony, of Warton, aged 46 years and more, says that Richard Bony, his father, being about 100 years old, and very impotent and blind, has sent him to testify and verify in his name that when the cattle of the tenants of Laton came into the ground between Cross in the Hawes or the "Meyre called the Cursed Meyre" towards Lathom [Lytham], the Prior either drove them back again or else pinned them in the fold till they were loosed or died. The said Prior occupies the Moss from the said Cursed Meyre towards Lethom [Lytham], without interruption of any man.

James Carter, of Lethom [Lytham], and Richard Harryson, Henry Salthowse, Thomase Coly, Robert Mercer, and Richard Tynkler, all of the same, depose as above.

Depositions for the defendant.

John Bochier, of Much Merton, aged 72, tenant to John Butler, of Rawcliff, Esq., says that Thomas Butler, lord of Laton and his ancestors are lords of the Hawes, and that they have

always used to have common for themselves and their tenants in the said ground called the Hawes from the Houndehill in Laton to the Cross pole towards Warton, without interruption of any man. All other persons putting any beasts in the said Hawes used to compound with the said Thomas Butler and his officers therefor.

William Bell, of Pulton, aged 72 years and more, tenant to John Skelicorne; John Hull, of Muche Syngleton, aged 60, tenant to the King; Richard Hull, of Thorneton, aged 80, tenant to Richard Banester, of the Bankes; John Alen, of Northbrigg, aged 60, tenant to the Abbot of Dieulecresse; John Tomson, of Northbrigg, aged 60 years and more, tenant to the said Abbot; John Buller, of Muche Syngleton, aged 60 years, tenant to the King; William Hole, of the same, aged 50, tenant to the King, depose as above.

John Rowall, of Hamleton, aged 50, tenant to Thomas Shireborne, Esq.; Richard Batell, of the same, aged 40 years and more, tenant to Sir William Leylond, Knight; Thomas Syke, of Litill Syngleton, aged 60 years and more, tenant to the Earl of Derby; William Hole, of Thorneton, aged 60 and more, tenant to the said Earl; Robert Lythom, of the same, aged 70, tenant to Richard Banester of the Banke; Robert Hoggesson, of the same, aged 60, tenant to the said Earl; John Lethom, of the same, aged 60, tenant to the Abbot of Dieulecress; John Rossall, of Litill Carleton, aged 60 and more, tenant to William Carleton; Richard Barker, of Moche Carleton, aged 60 and more, tenant to Thomas Shireborne; William Whiteside, of Moche Carleton, aged 55, tenant to the Abbot of Cokersand, depose as above.

Roland Davy, of Byspham, aged 50, tenant to John Neysam; George Walker, of the same, aged 40, tenant to the Abbot of Dieulecresse; John Fyssher, of the same, aged 50 and more, tenant to Thomas Shireborne, Esq.; Thomas Wyndres, of the same, aged 50, tenant to John Neisam; William Hole, of Steynall, aged 52, tenant to William Norcrosse; Robert Steynall, of the same, aged 40, tenant to Bartholomew Hesketh, husbandmen, depose as above.

John Bochier says that the farmors of the said Thomas Butler and of his ancestors have used to get rushes upon the "Mershe" by the Crosse pole to "thack" the houses at the manor place of Laton, and also the tithe barn there. And the tenants of the said Thomas of Laton, Warbeck, and Merton have used to get rushes there for the thacking of their own houses, without any interruption of any prior of Lethom before the present one.

The said Thomas Butler, Knight, built a sheepcote upon the said Hawes, and yearly used to get rushes from the said "mershe" to thatch it, without contradiction of any.

All the "Cloyse" next to the Holme House lay abroad and was occupied as entcomyn (?) until the said Sir Thomas, at the request of the late Prior Stroder, granted him licence to enclose it, which was 2 or 3 years before the death of the said Sir Thomas, to the entent to salve the prior's corn there.

The Priory of Lethom [Lytham] of old time stood at the end of the Church of Lethom [Lytham] now standing. The Kelgrymoles Churchyard, as witness has heard, was "worne into the see" 2 or 3 miles. There was an old cross standing in old times within a quarter of a mile to the Church of Lethom [Lytham], in the highway between Lethom [Lytham] and Laton, to the which place we the Commissioners were brought.

There is an old Meyre called Curdismeyre near Lethom [Lytham] Priory, and also adjoining the Cloyse which was parcel of the Hawes, lately enclosed as abovesaid. There is a place in the Mosse called Cursidmeyre, alledged by the prior to be a meyre, but it is not so; it is called Cursidmeyre because there "hath ben many bestes and Catelles drowned therin."

Robert Crokay, of Warbreck, tenant to the said Dame Margaret, aged 70 and above, born in Lethom [Lytham], deposes as above. He further says that his father was aged 94, and dwelt in Lethom [Lytham]: deponent has heard him say that the Cross in the Hawes was first set up for a remembrance that one Fideler killed a man called Wheler, and "nawther for meyre ner bounde." In his remembrance there is "worn into the sea to the quantity of 2 miles, which was fair pasture in his life"

Thomas Crockay, of Warbreck, tenant to the said Dame Margaret, aged 68 and more, born in Lethom [Lytham], deposes as above.

Laurence Baly, aged 33, dwelling in Laton, tenant to the said Dame Margaret, says that his father told him that John Baly, deponents grandfather, had been to Durham and there received £20 of Durham "pens" of the Prior there for Sir John Butler, Knight, "for because" the Prior of Lethom [Lytham] in the nonage of the said Sir John had set up a house upon parcel of the said Hawes which the said Sir John would have pulled down when he came of age, which house is called the Holme House. The said Prior "had promised to the said Sir John to be the steward of Lethom" [Lytham].

James Pierson, of Muche Merton, tenant to the Abbot of Whalley, aged 44 and more, deposes as above.

John Rossall deposes as above.

Edmund Bamburgh, of Litill Carleton, tenant to William Carleton, aged 40, says that his father, "weche" was 80 years old, told him that the said Cross was set up first as Robert Crockay deposed.

John Daggar, of Byspham, tenant to the said Dame Margaret, aged 56, says that he dwelt at Lethom [Lytham] Priory for 11 years, during which time he was accustomed to "shote" thereabout. He well remembers seeing an old Cross at the head of Randilles Carr.

Piers Pierson, of Muche Merton, tenant to Annes, late wife of George Butler, aged 54, deposes as above.

John Wright, of Littill Carleton, tenant to William Carleton, deposes as above.

Richard Mason, aged 24, says he heard Robert Mason, his father, say that he was at Lethom [Lytham] Priory in the time of Robert Stroder, prior, who had him in good favor and told him that he had lately come from London, told him that his journey had cost him more money than he cared to say, showed him a

deed and said that he had made a "good boke" there by his counsel and had amended it : at that time it would do him no good, but he hoped that afterwards it would do good to the House of Lethom [Lytham] and more 100 years afterwards than at that time. The said Robert Mason answered, "if ye haue done so ye haue done well."

James Symson, aged 30, deposes that he heard the said Robert Mason, his father-in-law, say that he said to the said Prior, "howe cowde he w^t conscience amende the dede," and he said, "that he myght w^t his conscience do any thing that he cowde to the helpe of the howse of Seynt Cutbert, of Durham."

Whereas, we, by virtue of the said commission, are commanded to make a new "platt or carde" concerning the said limits and bounds, we certify that both the said parties brought before us several plattes, which, with certain depositions and evidences for proof thereof, appeared to us to be "muche variant and doubtfull," wherefore we commanded both the said parties to bring before your Mastership the said plattes and cardes with the evidences they have for their title, which they agree to do.

Ryc. Hoghton, K.

Wyllam. Leylond, K.

Alex. Osbaldston.

Henr. ffarrynton.

DECREES AND ORDERS. HENRY VIII. BOOK 5. FO. 479.

Whereas complaint has heretofore been made before the Chancellor and Council of the Duchy of Lancaster, by Rauff, Prior of Lethum [Lytham], in the county of Lancaster, against Dame Margaret Butler, late the wife of Thomas Butler, Knight, deceased, and Thomas Butler, Esq., son and heir of the said Sir Thomas, as well for the riotous entering into a messuage of the said prior at Lethom [Lytham], and for the pulling down and destroying of the same, as also for the cutting down at sundry times of certain loads of rushes growing within the several ground and pasture belonging to the said prior in Lethom [Lytham] and for carrying away the same, and for divers other injuries and wrongs

before that time done by the same Dame Margaret and Thomas Butler, their servants and tenants, to the said prior and his predecessors.

It is, therefore, ordered in form following, that is to say, that the said prior and his successors and their tenants shall peaceably and quietly occupy and enjoy the waste ground aforesaid, from and unto the "meres, markes, devyses, and bowndes" abovesaid, without let, vexation, or disturbance of the said Dame Margaret and Thomas Butler, or of their tenants or servants. And that the said Dame Margaret and Thomas Butler and their tenants shall in nowise meddle within the said "bowndes and devyses" towards Lethom until such time as the said Dame Margaret and Thomas shall show further sufficient matter in proving their platt, and in disproving and distruction of the platt of the said prior, or otherwise shall prove them to have good title to "comyn" with the cattle within the said boundes and devises towards Lethom [Lytham].

WILLIAM FLEMYNG, PRIEST, WILLIAM KYRKEBY AND OTHERS,
versus RICHARD KYRKEBY, *re* TITLE TO MESSUAGES, LANDS,
 &C., CLAIMED UNDER WILL OF HENRY KYRKEBY,
 DECEASED, IN KYRKEBYE AND ULVERSTON.

*"To the Kyng our Soveren Lord and to hys most honorable and
 discrete concell."*

WILLIAM Flemyng, priest, William Kyrkeby, Roulyn Thorn-
 borowgh, William Lancaster, John Huddelston, Chris-
 topher Corwen, Jamys Layburn, William a Clyftun, John Skelton,
 William a Lee, John Bost, Geffraye Lancaster, Nicholas Layburn,
 Raf Latewyse, Thomas a Skelton, Nicholas Tunstall, William
 Westby, John Thawyttes, Thomas Dykes, and Antony Bardsey
 complain that where they were seised of 20 messuages, 200 acres
 of land, 200 acres of pasture, 100 acres of meadow, and 100 acres
 of wood, with appurtenances, in the parishes of Kyrkebye [Kirkby
 Ireleth] and Wolverston [Ulverston], in the county of Lancaster,
 in their demesne as of fee, and have been peaceably seised thereof

Vol. xxii.
 [Calendar 16.]
 F. 2.
 24 Hen. VIII.
 [1532-3.]

for 9 years and more, until the 24th day of December, 23 Henry VIII. [1531], when they were disseised thereof by Richard Kyrkeby and 20 other riotous persons, arrayed in manner of war, who still keep their forcible entry and possession of the said premises: which said riot if it be not "sharply and shortly" punished it would "imbold" all other riotous persons to do the same.

Prays that Letters of Privy Seal may be directed to the said Richard Kyrkeby, commanding him to appear to answer the said premisses.

Trinity term, 24 Henry VIII. [1532].

Hereupon a Privy Seal to Richard Kyrkbe to appear tres Michis p^r.

F. 2. a. The answer of Richard Kyrkeby.

Defendant says that William Alevyns, Clerk, Christopher Bardsey, and divers others were seised of the said premises in their demesne as of fee to the use of Henry Kyrkeby and his heirs, after whose death defendant (Richard Kyrkeby) as brother and heir of the said Henry by reason of the use of the said premises which descended to him entered quietly into the same and has taken the issues and profits thereof, without that that he is guilty of any riot, forcible entry, &c., &c.

F. 2. b. The replication of William Flemyng and others.

Plaintiffs were and yet are seised of the said premises to the use of the said Henry Kyrkeby and his heirs, and to the performance of the will of the said Henry, wherein he willed that plaintiff and his co-feoffees should with the issues of the said premises find yearly for ever an honest priest to say mass and other prayers in the Parish Church of Kyrkeby for the soul of the said Henry. Plaintiff (William Flemyng) was put into the service by his co-feoffees and has remained there ever since the death of the said Henry, and has taken the profits thereof for 9 years until the 24th December, 23 Henry VIII. [1531] when he was expelled by defendants.

The rejoinder of Richard Kyrkeby.

F. 2. c.

If the, said Henry Kirkeby made such a will as the plaintiffs declare, it was made by the "subtile and craftie entisement" of the said William Flemyng, priest, the said Henry being then very feeble and sick and of "noo hoole memorie," for he was so sore wounded and hurt upon the head and other parts of the body when he was at the Skottysfeld [Scottish Field] in the service of the King, about 4 years before his death, that he never at any time afterwards had any "perfett witt" or remembrance, but was ordered and ruled like a child or an innocent by the said Flemyng, so that any will made by him would be of no effect in the law. The said William Flemyng is not of good demeanour or honest conversation, but has lived for a long time "fferr owte of all good ordre," and has been accused by the sentence of the Church against him pronounced, so that he ought not to celebrate or say mass: Moreover, he (Flemyng) has for a long time "elongyd" himself from the said Parish Church of Kyrkeby and has not celebrated there.

The answer of William Flemyng, priest, and others.

F. 2. d.

Plaintiff says that the said Henry Kirkeby was of whole and perfect mind and memory when he made the said will, and remained so up to the hour of his death. Plaintiff at all times celebrated and said mass in the said Church until he was stopped by the said Richard Kirkeby at whose procurement he was suspended for non-payment of the King's money assessed upon him by reason of his salary. He could not pay because at that time he had no benefice or salary by reason of the said "torçous" entry of the said Richard.

Commission dated 23rd February, 24 Henry VIII. [1533], directed to Thomas Lord Prior of Conyshed, Richard Preston Prior of Cartmell, John Twhates, Esq., Sir Christopher Bolton, priest, Lancelot Laurens, Esq., and Richard Dokett, Esq.

F. 2. e.

Commission dated 22nd November, 24 Henry VIII. [1532], directed to the said Priors of Cartmel and Conyshed [Conishead], John Thwayt, Esq., and Christopher Bolton, priest.

F. 2. f.

F. 2. h. The Certificate of the Commissioners taken at Ulverston in Furness, in the county of Lancaster, 20th January, 24 Henry VIII. [1533].

The depositions of witnesses brought by Richard Kirkeby, Esq.

William Taillour, tenant of the said Richard Kirkeby, aged 60, says that Henry Kirkeby, brother of the said Richard, was of perfect mind and memory when he made his will.

Roland Kirkby, tenant of the said Richard, aged 52, deposes that the said Henry Kirkby was "moche Ruelled and concelled" by his wife, Sir William Flemyng, Richard Richardson, and others, but was of good memory when he made his will and well knew what he was saying and doing, but he was never quite the same after the "Scottysshe felde" for he had many "grett strokes vppon hys hede."

Christopher Shakloke, tenant of the Earl of Derby, aged 80; Richard Hogeson, tenant to the said Earl, aged 78; and Edmund Ascowe, tenant to the said Earl, aged 52 years and more, deposed as above.

Richard Causon, [tenant] "to the use of the said chantry," aged 60, says that Sir William Flemyng after he was in possession of the said lands took 4 marks for the gressome of 1 tenement; he afterwards set one-half of the said tenement to another man and took of him 4 marks also; then he sent for witness and for John Causon, his "cosyng," and commanded them to pay their rents, but they told him they hadn't them, whereupon the said Sir William deposed upon a book before them that all other his tenants had paid their rents to him, but deponent says that was not true.

The said John Causon, aged 30, deposes as above.

Alexander Richardson, tenant to the Abbot of Furness, knows the said Sir William Flemyng to be of good and honest conversation.

John Corker, tenant to Master Nevell, aged 60; Henry Kyrkby, of Ulverston, aged 36; and John Rychardson, tenant of Lady Pennyngton, aged 60, depose as above.

Rychard Kyrkby, defendant, has confessed that he has received the rents of the said lands belonging to the said chantry, due at Pentecost last ; also part of the rents due at Martinmas last ; the rest he will receive as soon as he can.

Depositions of witnesses brought by Sir William Flemyng, priest.

Richard Richardson, tenant to the use of the said chantry, aged 53, says that the said Henry Kyrkby 6 or 7 years before his death enfeoffed Sir William Flemyng, Roland Thornbrought, and others. Deponent, being made attorney for that purpose, peaceably delivered possession to William Lancaster, one of the feoffees of certain parcels of ground.

Edmund Ascowe, tenant to the same use, aged 52, deposes that the said William Lancaster, took peaceable possession of certain parcels of land, but when he came to take 2 parcels of ground called Hallestedes and Gaitgrounde, Anne Kyrkby, mother of the said Richard Kyrkby, would not by her good will allow it, because she claimed an estate for term of her life by feoffment. After the said Sir William Flemyng had taken possession, he for 7 or 8 years received the rents and profits of all the said mentioned in the deed of feoffment, until he was stopped by the said Richard Kyrkby, about Pentecost last, since which time the said Richard has received the same.

John Freres, tenant to the same use [age not given] ; Robert Thomson, tenant to the same, aged 30 ; John Woodburn, tenant to the same, aged 40 ; and John Kendall, tenant to the same, aged 50, depose as above.

Forasmuch as William Lancaster, one of the feoffees, on account of certain variances between him and Master Bardsey would not come into Furness for fear of certain inconveniences ; he therefore sent us a bill of his own hand, hereunto annexed :

p me Thoman Piorē de Conyngshesh.

p me Richardū Piorē de Cartmell.

p me Joñem Thwaytes.

p me Xprm bolton.

F. 2. j. Roger Ducket, aged 40 years and more, says that once he was with Sir Roger Bellingeham, Knight, his master, at Croshouse, when Henry Kirkby "laboured" his said master to move Anne Kirkby, his (Henry's) mother, and sister to the said Sir Roger, to make him a lease of her place called Haulsteds and of other her lands, and said that she could take her "fyndyng" with him, which she utterly refused to do, saying that she would never make a release during her life.

Alan Aglomby, aged 60, says that the Haulsteds occupied by the said Anne Kirkby, was of the yearly value of 32s.

Nicholas Tomson, aged 80, tenant to Master Kirkby, says that the said Anne had the said Haulsteds, a place called Raisthwaite, one other "carlynge potte," a place called Gilhouse, another called Cragfeld, another called John rayhis, and 1 tenement called the Holl: she would never make release thereof to the said Henry, her son.

Nicholas Fresch, aged 60, tenant of a parcel of 5s. by the year of the lands now in traverse, paid his said rent to the said Anne during her life.

William Nicholson, aged 30, paid his rent of 10s. to the said Anne for 3 years before her death.

John Kendall also paid his rent to her for same time.

John Cuk, aged 60, tenant to Richard Kirkby, defendant, says that when William Lancaster and others came to take possession of Haulsteds the said Anne cried out and would not allow it.

Edmund Askew, tenant to my lord of Derby, aged 60, and John Colton, tenant to Richard Kirkby, aged 40, depose as above.

Rollande Thornbrough, Esq., was with the said Henry Kirkby, at Croshouse, when he discharged the said Anne, his mother, from her occupation of her farmhold, called the Haulsteds, because she had stopped a poor man of his occupation, and told her that if she would not wrongfully trouble poor men she should have her living again.

Edmund Askew and others, says that the lands which the said Anne occupied amounted to the value of £3 4s. 8d. yearly, all

of which the said Richard has received except 3s. The lands which she did not have amounted to 58s. 4d. by the year, all of which, except 5s. the said Richard received.

Right worshipful, ascertaining your Mastership that my cousin, Henry Kyrkeby, sent for me and told me that he had named me feoffee for the performance of his will. He then showed me a deed with a will thereto annexed whereto he set the seal of his arms in my presence, desiring me to go to every house contained therein and take possession thereof. I said that one would serve for all, but nothing would do but that I must go to all, which I accordingly did, spending a whole summer day over the business.

F. 2. k.

From Liethū [? Lytham], 11th January,

William Lancaster.

ANNE GIDLOW, WIDOW OF RALPH GIDLOW *versus* CHRISTOPHER SHAKERLEY, THOMAS GERRARDE AND OTHERS *re* CHARGE OF MURDER AND ROBBERY AT ASPOLE [ASPULL], WESTHALGHTON [WESTHOUGHTON].

To the Right Honorable Sir William Fitzwilliam, Knight.

“**L**AMENTABLY and in most pituouse wyse compleynnyng shewith,” Anne Gidlow, late wife of Rauff Gidlow, late of Aspole [Aspull], in the county of Lancaster, that where on the Sunday next before the feast of St. Michael the Archangel last past, 23 Henry VIII. [1531], the said Rauff being in God’s peace and the King’s at Aspole [Aspull], one Christopher Shakerley about 8 o’clock on the night of the said Sunday, with a dagger, shamefully killed the said Rauff. And the same night Thomas Gerrarde, of Insse [Ince], in the county of Lancaster, accompanied by Miles Gerrerd, Peter Gerrard, William Insse, William Skott, Richard Fraunce, Thomas Insse, Roger Insse, Olyver Insse, Robert Hyndley, Roger Hyndeley, Humphrey Mather, Rauffe Houghton, William Hanyskoo, William Decunson, John Fraunce, William Law, Geffray Turnor, Olyver Marghlande, Richard Shaw, Richard Cokeson, Humfrey Laythwayt, John Banke, William Anderton, Richard Ormyshaw, Richard Grene, Robert Bulloke,

Vol. xxiv.
[Calendar 19.]
G. I.
25 Hen. VIII.
[1533-34.]

William Haughton, Gilbert Haughton, Edward Haughton, Richard Seddowne, Robert Walthew, John Lokker, Thomas Qualley, Petur Worsley, Robert Barroo, Robert Shaw, Jamys Seddowne, Nicholas Law, Jamys Law, William Hert, Thomas Maysom, Charles Leghe, Arthur Insse, and other riotous persons to plaintiff unknown, to the number of 60 and above, and forcibly and in a shameful manner took away 2 coffers, one of them being in Aspole [Aspull], and the other at Haughton, which were of the goods of the said Rauffe Gidlow and plaintiff.

Prays that a commission may be granted to enquire into the matter.

G. 1. a. Commission dated 12th November, 25 Henry VIII. [1533], directed to Roger Asshowe, Adam Hylton, Henry Charnok, and John Langtre, Esquires.

G. 1. b. Depositions taken on the part of the said Anne Gidlow.

Thomas Hegham, aged 34, says that on the 24th September, 23 Henry VIII. [1531], Thomas Gerard, of Ince, Esq., Hector Hayward, William Hert, Humphrey Mador, Rauff Haughton, Thomas Mason, and Cecill Gidlowe, with 20 others, with staves and daggers came to witness's house about 1 o'clock after midnight and took out of it a coffer locked which belonged to the said Rauff Gidlowe, then deceased, and which deponent had in his custody.

Cecill Gidlowe, aged 26, says that the said Thomas Gerard and about 20 other persons associated with him, took a coffer locked of the said Rauff Gidlowe her father, from the house of the said Hegham as is abovesaid.

The said Thomas Gerard, Miles Gerard, and Hector Hayward on the following day, being the 25th day of September, came to the house of Isabell Cowper, widow, in West Halghton [West Houghton], about 11 o'clock in the morning, and there took another coffer locked late of the said Rauff Gidlow, and carried it away with them.

The said Isabell Cowper, widow, aged 66 years and more, and Rauff Taileor, of Aspull, aged 30, depose as above.

Rauff Haughton, aged 36, says that he was present when the said Thomas Gerard and others took away one of the said coffers and carried it to the house of Peter Gerard, brother of the said Thomas Gerard.

Depositions taken on behalf of the said Thomas Gerard, defendant.

The said Thomas Gerard says that on the night that Rauff Gidlowe was slain he was called out of his bed by William Aynscogh and William Diconson, constables of Aspull, and went with them to the house of the said Rauff, whom he found slain. They thereupon made company to search for the felon, and when returning home with the said constables and about 12 neighbours the said Cecill Gidlowe and Agnes Gidlowe, daughters of the said Rauff, came to deponent and desired him to go with them to the house of Thomas Hegham to see about the sure keeping of a coffer locked, which belonged to their late father. Deponent at their desire sealed the keyhole of the said coffer with wax, and when this was done the said Hegham desired to be discharged of the said coffer, because he was obliged to ride from home, whereupon the said Cecill took the said box, and with help carried it to the house of Peter Gerard, one of the "next" neighbours of the said Hegham.

The said Thomas Gerard says that he was not at Widow Cowper's house at the time alleged, but at the desire of the said Cecill and Agnes he sent William Hert there to desire her to keep the said coffer in safe custody.

G. I. c.

The said 2 coffers and the contents thereof are divided amongst plaintiff and the children of the said Rauff, except the writings "whch yet remaynen amonges thayme Indifferent."

Roger Hyndeley, aged 34; William Aynscogh, one of the constables of Aspull, aged 30 years and more; and William Jamesson, another constable of the same town, aged 30; Elen Hurst, aged 23; Hector Hayward, aged 30; and Agnes Gidlowe, aged 21, depose as above.

THE KING *versus* EDMUND CLAYTON [CATON] AND OTHERS
re DEER HUNTING IN QUERMORE PARK.

"Informaçons to the Right Honorable Sir William Fitzwilliam, Knyght, Chauncelour of the Duchie of Lancaster, of Hunters by Nyght within the Kynges Park of Whermore, in the Countie of Lancastre.

Vol. viii.
 [Calendar 6.]
 R. 9.
 25 Hen. VIII.
 [1533-34.]

"I N primis Edmond Cayton, of Lagher Wyresdall, Xpofer. Cayton of ye same songs of Xpofer. Cayton thelder, weybsters, Withm Parkynson, of Laygher Wyresdale, webster, Olyver Kemp, of moghton Milne, husbondman, Withm Garner, of Harparhowse, husbondman, the xijth day of februaryi, in the xxiiith zere of the Reign of Kyng Henry the viijth [1533], came in to the seyd parke of Whermore, And then and there withe grewondes hunted abowt xj of the Clok in the nyght, and with the seyd grewonds kyllled too dere, of what kynd it is as zett vnkawne, with owt waraunt or any other cōmaundment with thei hade so doo ayenst the preveaunce of the Estatut in that case provyded.

"Termio s̄ci Michis A^o rr H. viij. xxv^o."

A privy seale ayenst all the sayd persons abovesayed to apper.
 xvnd Hill. prox."

ADAM PYLKINGTON *versus* THOMAS LANGFORD, AND MARGARET
 HIS WIFE, *re* DISTURBANCE OF POSSESSION OF MESSUAGES,
 &c.; AT SALFORD AND MANCHESTER.

*To the Right Worshippfull Sir William Fitzwilliam, Knyght,
 Chaunceler of the Duchie of Lancaster.*

Vol. viii.
 [Calendar 6.]
 P. 5.
 25 Hen. VIII.
 [1533-34.]

"I N moost humbly wise shewith," your orator, Adam Pylkyngton, that where John Redyche and Roger Parker, chaplains, were seised of 14 messuages and 60 acres of land with their appurtenance, lying in the towns and fields of Salford and Manchester, in the county of Lancaster, in their demesnes as of fee, and so being seised, they demised the said premises to one Nicholas Pylkyngton for his life, the remainder thereof, after his decease, to Richard Pylkyngton, his eldest son, to hold to him and to the

heirs male of his body begotten ; and for default of such issue, the remainder thereof to Thomas Pylkyngton, brother of the said Richard, to hold to him and to the heirs male of his body begotten, by virtue whereof the said Nicholas was seised of the said premises in his demesne as of freehold. After his death the said messuages, &c., remained to the said Richard Pylkyngton, who was thereof seised in his demesne as of fee-tail ; After his decease, the said premises descended to Edmond Pylkyngton, as son and heir of the said Richard, who accordingly entered into the same and was thereof seised in his demesne as of fee-tail, and died without issue male of his body, after whose death the said messuages, lands, and tenements remained, and of right ought to remain to your orator, as cousin and heir male of the body of the said Thomas Pylkyngton, to wit, son of Nicholas Pylkyngton, of Manchester, son of the said Thomas, by virtue whereof he entered into the same and is thereof seised in his demesne as of fee-tail : Now, so it is, that divers evidences, charters, writings, and muniments concerning as well the said right, title, and interest of plaintiff in the premises, as the said gift of entail and remainder, have come into the hands of Thomas Longford, of Dydsburye, Elizabeth his wife, and Margaret Hunt, widow, late the wife of Richard Hunt, junior, deceased, who utterly refuse to deliver them to plaintiff, although he has many times demanded the same, whereby he has been wrongfully troubled in his possession of the said premises to his great loss.

Prays for writ of Privy Seal to the said Thomas, Elizabeth, and Margaret commanding them to appear to answer to the premises.

“Termo S̄ci Hillarii A° r̄r H. viij. xxv°.

H⁹upon a privy seale ayenst Thomas Longford and Elizabeth hys wyf, and Margaret Hunte, wedowe, to apper tres^e pasche prox.”

JOHN BOLD *versus* JOHN ASHETON *re* POSSESSION OF LANDS
IN CONTEMPT OF KING'S WRIT AND *Extendi Facias*,
IN PENKETH.

*To the Ryght Honorable Sir William Fitzwilliam, Knyght of the
honorable order of the garter, and chancelor of the Duchye
of Lancastur.*

Vol. vii.
[Calendar 5.]
B. 15.
25 Hen. VIII.
[1533-34.]

"HUMBLY shoyth," your orator, John Bold, that where the King's "wrytt of extendi fa^c w^t liberate" under the Duchy Seal was directed to Sir Edmund Traffort, Knight, Sheriff of the county of Lancashire, now deceased, at the suit of your orator upon a Statute marchant against John Asheton, of Penketh, in the county of Lancaster, Esq., to extend the lands and tenements of the same John Asheton as for livery of the same, by vertue whereof the said lands and tenements were extended at Liverpool by the said Sheriff, and the extent thereof returned to the King's Chancery at Lancaster, and delivered into the hands of Master John Lambert, vice-chancellor there.

After the death of the said Sir Edmund Trayfort, one Edmund Trayfort, Esq., his son and heir, was elected Sheriff in place of his said father, and he "by on" [e] Richard More, his under-sheriff, repaired to the said lands in order to deliver them to your said suppliant: Howbeit the said lands were so kept with force that execution could not be had, whereupon the said under-sheriff "incontynent rood to the nexte Justyce of peax" in the said county thereto adjoining, who was Sir Thomas Butler, Knight, and desired him to send one of his servants to the said premises, because the said John Asheton was under the rule of the said Sir Thomas, in order to see the said writ peaceably executed. But the said Sir Thomas answered that he would not meddle in other men's lands, by occasion whereof your orator is still without execution of the said writ.

Prays for writ of Privy Seal to be directed to the said John Ascheton commanding him to suffer plaintiff to have execution of the said lands.

"Termino S^ci Michis A^o r^r H. viij. xxv^o

H^upon a privy seale ayenst John Assheton to apper xv Hill.
prox."

JOHN DANCASTRE *versus* RALPH SMYTHE AND OTHERS, *re*
ASSAULT AT ADERTON [ATHERTON].

*To the Right Honorable Sir William Fitz William, Knyght,
Chaunceler of the Duchie of Lancastre.*

“IN his most humble wise sheweth,” your orator, John Dan-
castre, of Weryngton [Warrington], in the county of
Lancaster, yeoman, that where he on the 11th day of August
in this present 25th year of our sovereign Lord the King that
now is [1533], was at Aderton [Atherton] in the said county, in
the peace of God and of the said King, Rauff Smith, of Aderton,
John Smyth, son of the said Rauff, John Hyndley and Adam
Asteley, of malice prepensed, “fully myndyng the death and
utter distruccon” of your orator, arrayed themselves in manner
of war and then and there “dyd assaut and make oon affray”
upon plaintiff and “dyd beate and evil intreat him,” not only to
the great danger of his life, but also to the perilous example of
other offenders if punishment be not inflicted.

Vol. vii.
[Calendar 5.]
D. 6.
25 Hen. VIII.
[1533-34.]

Prays for the King's most “dradde” commandment under his
privy seale to be directed against the said rioters.

“Termino Sēi Michis A° 11 H. viij. xxv°.

H^oupon a privy seale ayenst Rauff Smythe, John Smythe, and
John Hyndeley to apper viij^{as} Martini prox.”

JOHN, ABBOT OF WHALLEY *versus* THOMAS BULCOKE AND OTHERS,
TENANTS OF GREAT MARSDEN, *re* TITLE TO TYTHES OF CORN
AND HAY IN WHALLEY, COLNE, AND GREAT MARSDEN.

*To the Righte Honorable Syr Wylliam Fitzwilliams, Knyghte,
Chaunceller of the Duchye of Lancastre.*

JOHN, Abbot of Walley [Whalley], complains that where
“varyance of late was dependyng” between himself and
Thomas Bolcoke, John Rydehaulght, and others for non-payment
of their tithes, “which matter long dylated” here in this said
court by bills, answers, and replications, and divers commissions

Vol. viii.
[Calendar 6.]
W. 12.
25 Hen. VIII.
1533-34.]

were awarded to men of worship in the county of Lancaster, whereupon certificate was made always proving the title of the said Abbot to be good, and that of his advisaries of no effect. At length it was decreed that the said Bolcoke and Ridehaulght "sholde be at their electyons whyther thei wolde come to Walley [Whalley]. And there upon their kneis desyre the sayed abbot to forgywe them their luteryous¹ demeanour for not doying their dewtye to the churche," or else both of them to pay to him 40s. sterling, but up to the present time they have done neither one thing nor the other.

As the said Abbot has been at great cost to obtain his rightful tithes against the said "folysse and luteryous" persons, he prays for process of Privy Seal to be directed against them, commanding them to appear before your Mastership.

"Termio S̄ci Hillarii A° xxv°.

H^oupon a privy seal ayenst Thomas Bulcoke and John Redyaulghe to apper tres^e Pasche prox."

W. 12. a.

"To all true Christien people to whome thys present wrytting shall come to see, rede, or here," John Rishworth, Esq., Laurence Townley, Esq., Robert Bannester and Leonard Blakey, gentlemen, and Nicholas Mychell, John Robynson, Cristofer Hertley, John Hanson, Peter Hertley, John Hertley the elder, John Bulkoke, Cristofer Hertley "yonger," John Hertley "yonger," Nicholas Robynson, Jamys Robynson "yonger," Jamys Robynson the elder, John Hergrefez the elder, William Mychell, Cristofer Bawdwayn, Thomas Dryver, Jamys Bulkoke, Jeffrey Foldes, Roger Hertley, Henry Hertley, Richard Shakylden, Jamys Shakylden, "Richard Mychell, Colne," Roger Smyth, Henry Bawdwen, Henry Wylson, John Wylson, Rolland Hargrefez, Anthony Wilson, Thomas Shakylden, John Ellynthropp, Jamys Hergrefez, Laurence Parker, Roger Hertley, Robert Walker, Richard Foldes, John Nutter, Jamys Mychell, and Roger Blakey, dwelling within the "parrishing" of Colne, yeomen, "Sendyth gretying In Oure lorde gode everlastyng. ffor as mych as hyt ys meritorious and

¹ Luther = bad, wicked.

medefull for every true man to Testifie and recorde the truthe in every Cause doutefull," we, therefore, with many others within the said "parrishing" of Colne, do testify that they of the township of Great Maresden, within the said "parrishing," in the county of Lancaster, and other inhabitants there have been always accustomed to pay for their tithe corn to the Abbot of Whalley, £3 17s. 6d. by the year, and for their tithe hay "some tenament o5," some 1d. and the most 2d.

We also testify that John Redehaughe, Laurence Higkyn and John Swayn "was excommunicate by name after the Kynge's pro- bishon was delyvered to the officiall of Chester." The said poor men have always been ready to pay the said rent and duty "as haith before tyme bene vsyd," within the said township, and the Abbot that now is has received the said duty yearly for 25 years ; his predecessors never had more yearly duty upon them.

Sealed the 13th day of June, 25 Henry VIII. [1533].

"To all Those To whome these ovr letters Testimoniall shall come, see here or rede of grace, helth, and vertue in ovr Salviour Criste continuall Increment." Forasmuch as it is pleasing to Almighty God and his laws to declare the truth in causes doubtful, therefore, whereas it has lately come to the knowledge of us George Hoghton, gentleman, William Sayghar, Thomas Sayghar, Laurence Lee, Henry Walton, of Barkerhowse, John Herteley, William Hurst, James Redehalgh, Røger Herteley, "Nicholesse" Bolton, Henry Walton the elder, Richard Walton, Henry Walton the younger, and Henry Botheman, with other the King's tenants and inhabitants of Great Mersden [Marsden], in the county of Lancaster, that Thomas Bolcoke, with other of the King's tenants of Great Mersden, do say that it has been the custom for the said tenants and their predecessors to pay to the parson of Great Mersden for all manner of tithe corn growing in the said town £3 17s. 6d. Now we, the said George Hoghton, William Sayghar, and the others above-named, do testify that we do not know of any such use, but that both they and we have agreed with our said

W. 12. a.

parson that we might have the said corn, otherwise it is lawful for our said parson to let the said tithe corn at his liberty.

Written at Colne, the 16th day of January, 24 Henry VIII.
[1533].

*To the right hon^{ble} Sir Thomas Awdeley, Knight, Lord Chancellor
of England.*

W. 12. b. "In most humble wise complaynyth," your orators Thomas Bulcocke, John Rydyowgh, John Swayne, Lawrance Hygyn, Henry Lye, John Rydyowgh the elder, Lawrence Hartley, John Tayler, Cristofer Jaxson, Lawrance Wylson, John Robynson, Henry Walton, Henry Walton the elder, William Holgate, William Botheman, and Robert Hergresse of the "vylage" of Great Mersden [Marsden], in the county of Lancaster, and other the inhabitants there, that where your said orators and their predecessors have been "accustemablye vsyd tyme owt of ye mynd of any man's memorye" to pay to the parson or curate for their tithe corn £3 17s. 6d. yearly, and for their hay everyone after the rate he had, some 1d., some a halfpenny, and the most 2d. with which the said parsons have been well content, until now that one John, Abbot of the Monastery of Whalley, notwithstanding that he as parson of the said village for about 27 years has accepted the said "prescription," demands from your orators the tenth part of all the corn and hay growing within the said village, and because they refuse to pay the same the said Abbot vexes plaintiffs and other the inhabitants dwelling in the spiritual court within the diocese of Chester, so that a great number of them are suspended, and the said Abbot threatens that if they will not agree to his terms that he will proceed against them in the said court, to their utter undoing for ever.

Plaintiffs pray for a writ of subpœna to be directed to the said Abbot commanding him to answer the said premises.

W. 12. c. This indenture testifies that whereas there was a controversy between Robert Abbot, of Whalley, and the convent of the same place of the one part, and the parishioners of the chapels of the Church of Whalley, to wit, Brunley [Burnley], Colne, Alnetham

[Altham], Church, and Haslyngden, and the parishioners of the villages of Symondeston, Padyham, Twyseleton, Hapton, Read, Dounom [Downham], Penhulton, and Chatburne of the other part, as to the tithes of hay: which said controversy can only be settled in this manner, to wit, that all the said parishioners shall pay further (*de cetero*) every year to the said Abbot for the tithe of every load of hay 1 farthing of silver at the time of quadragesimalia: the said Abbot agrees to take the said farthing without further examination.

In witness whereof John de Alnetham, Henry son of John de Clayton, Gilbert de Leghe, John de Legh, Oliver de Stansfeld, Adam de Walschagh, William de Halsted, Nicholas de Holden, John de Balschagh, Rogerus de Cattelawe, Richard de Brydestwysel, John le Parker, James de Walton, John del Holtes, Richard del Schagh, Richard de Ewood, John de Dyneleye, Richard de Grenacres, John del Clogh, John del Holtes, Richard de Whitacre, John de Symondestone, John de Schutelisworthe, and Adam de Bridestwysell have put to their seals.

Given at Whalley in the feast of St. Hilary, 1333.

The certificate of Sir John Towneley, Knight, Sir Alexander Osbaldston, Knight, and Sir Thomas Southworth, Knight, commissioners appointed the 6th day of July, 25 Henry VIII. [1533], to enquire of certain articles specified in a bill of complaint on behalf of Thomas Bulkok, John Redyawghe, alias at Deluys and others plaintiffs, in the name of all the King's tenants of Great Mershten [Marsden], against the Abbot of Whalley defendant. W. 12. d.

First we called the plaintiffs to appear before us at Blakeburn, the 9th day of September, 25 Henry VIII. [1533], but none of them appeared.

And whereas a certain writing testimonial, sealed with divers seals, dated 13th June, 25 Henry VIII. [1533], supposed to be made by John Rishworth, Esq., and others for the plaintiffs, was delivered to us to enquire into: We caused all the names of the persons therein specified to be openly called, but none appeared, except Robert Banaster who deposed that he never sealed the same and knew nothing about the making of the same.

As to the other testimonial dated 16th January, 24 Henry VIII. [1533], made by George Hoghton, gentleman, and others for the defendants all the parties therein named appeared personally before us, except Thomas Saghar lately deceased, and John Hertley who then lay sick, and deposed that the said testimonial is true in every article and that they sealed the same for their deed.

Item. The said Abbot exhibited before us an indenture dated 16th January, 1 Henry VIII. [1510], stating that John, Abbot of Whalley, demised to Nicholas Lee, Alice his wife, and Gilbert his son, lately dwelling in Mersden, all the tithes belonging to the said Nicholas, except "offerandes, nyghtwakes, beryenges, purifications and howsedettes" for 19 years at the yearly rent of 6s. 8d.

Item. The said Abbot showed divers records specifying how his predecessors sold the tithe corn of Mersden [Marsden] for divers years for divers sums, to wit, first, A.D. 1330 for £20.

Item. Another year for £10, and for several years following for the same sum.

Item. In the days of William Reade, late Abbot of Whalley, to wit, A.D. 1493, the said tithe corn was sold by the said Abbot for £6 8s. Richard Wilson, Thomas Saghar, William Lister, and Nicholas Lee, all of the said town, paid the same.

Item. In the year 1495 the said Abbot sold the said tithe corn to the said Richard Wilson and Thomas Saghar for £6, and in 1496 he sold the same to them for £6 15s., besides which the said William Lister and Nicholas Lee paid for their tithe corn.

In 1507 he sold the same for £6 8s., and in 1513 for £6 8s., and in 1516 for £6 10s.

Robert Whiteacre, of Mikilhurst, aged 90 years and more, examined before Sir John Townely, Knight, Sir Gilbert Haydok, Clerk, Vicar of Rachdale, George Hoghton, Richard Whiteacre, gentleman, Henry Adlyngton, John Woderose, Christopher Whiteacre, and others the 2nd day of October, 25 Henry VIII. [1533], deposes that he remembers that the Abbot of Whalley, named Rauff Cliderhow, and his proctor, named Robert Parys,

monk, occupied the tithe corn of Mersghden and sold the same at their pleasure to Lawrence Whiteacre, Nicholas Hertley, "one Cronkeshagh wiff of the Barrowforth," Roger Croke, of the Oldeland, Geffray Rydehalgh, and Adam Ridehalgh. At that time the under proctor could not sell the same in corn, but made it into meal at Colnemilne, John Elliot being miller there. Alice Witha helped to make the "meyle." After this, deponent and Richard Kypas had the same "tende" in farm of the said Abbot and carried the tithe "stre" to their own houses. At that time there was one James Leghe and his sisters, and one Nicholas Leghe "departed," who did "inne" their corn and left no tende upon the field, whereupon the said Abbot sued them for the same at the spiritual court, and they were compelled to take all their corn out of their barns and put it in the field. "After all this done," Sir Richard Towneley, Knight, made "labur" to the said Abbot to take the said tithe corn in farm to his own use, which he did. Afterwards the tenants of Mersghden requested the said Sir Richard to help them to take the said corn, and by his "labur" they had the same.

Sundry persons dwelling within the precinct of Whalley W. 12 c.
examined before us, to wit,

In Whalley—Christofer Nowell and Thomas Riley.

In Downham—Thomas Starky and James Estwode.

In Cliderow—James Aspyngalgh and Myles Denby.

In Burnley—Richard Whiteacre, John Woderose, and John Hoppay.

In Brerecliffe—John Towneley, Esq., Henry Hoghton, gentleman, James Clerke, Laurence Parker, Thomas Smyth, Giles Shore, Peres Brerecliffe, Thomas Hanson, and Peres Hoppay.

All these persons say that they know no other custom of their tithe corn, nor of the tithe corn of Mersghden [Marsden], or any other part of the county, except at the liberty and pleasure of the Abbot of Whalley.

Item. It was openly known before us that there were 68 persons, householders, dwelling within the township of Mershten, all of whom, except 16 who were not present, say that they agree yearly with the said Abbot for their tithe corn, which amounts to the sum of £6 17s. 3d. by the year, besides the rents paid by the said Lister and Lee.

Item. James Redyhalgh, of Mershten [Marsden], says he was one who did "rate and cesse," A.D. 1518, what rent every person in Mershten should pay yearly for his tithe corn for 10 years, to wit:—George Hoghton, 2s.; Laurence Lee, 3s.; William Saghar, 4s. 6d.; Thomas Saghar, 18d.; Henry Lee, 2s. 10d.; Henry Walton, of the Barkerhowse, 4s. 3d.; Henry Mankenholez, 6s. 8d.; John Swayne, 2s. 8d.; Laurence Hygyn, 3s. 5d.; the wife of John Taileor, 5s. 11d.; John Jacson, 2s. 4d.; John Hertley, 2s. 4d.; the wife of Miles Kypas, 18d.; John Wilson, 3s. 8d.; Henry Walton, of Hodgehouse, 2s. 8d.; James Robynson, 2s. 5d.; Laurence Hertley, 4s. 3d.; William Hirst, 3s. 4d.; James Redyhalgh, 2s.; John Redyhalgh, 22d.; John Hargrevez, of the Lomeshagh, 12s.; Roger Hertley, 17d.; James Michell, 8d.; Henry Botheman, 15d.; William Holgate, 7d.; Nicholas Bolton, 15d.; the wife of George Robert, 16d.; Cristofer Walton, 3s. 8d.; Henry Walton, of Mershten, 18d.; Rauff Holgate, 8d.; Robert Hargrevez, 12d.; Roger Elliot, 13d.; William Nutter, 3s. 2d.; James Maukynholes, 1d.; John Redyhalgh, 4s. 2d.; William Smyth, 4s. 4d.; Miles Mitton and his "broder," 3s.; John Kypas and his "felowez," 32s.

Also the said James Redyhalgh says that Henry Walton, senior, William Sagher, and Henry Walton of Hodgehouse, were "pledgez and surtiez" to the said Abbot for the payment of the said sum of £6 17s. 3d. The said term of 5 years expired about 5 years ago.

In witness whereof we the said Commissioners have set our seals to this our certificate the 25th day of October, 25 Henry VIII. [1533].

W. 12 f.

The answer of John, Abbot of Whalley, by Laurence Forest, one of his "brothern" of the said monastery, to the bill of complaint of Thomas Bulkok and John Redyshought.

Defendant says that he is parson "in persone" of the rectory W. 12 g. [sic] and parsonage of Whalley, within the precinct of which parish is the said town of Great Marchedon [Marsden], and that all the tithes of corn and hay there belong to him in right of his church and monastery of Whalley. Divers of his predecessors have been quietly possessed of such tithes and have made divers leases of the same to divers persons from year to year, at yearly rents agreed to between them. Now of late the said Thomas Bulkok, being a very "troublous and besy" man, has maliciously procured divers of the said plaintiffs to withhold from defendant their said tithes for 2 years, wherefore defendant has "pursued" divers citations out of the "Arschedeken's" Court at Chester against them. Without that that, &c., &c.

W. 12 h.

W. 12 j.

Commission dated at Westminster, 6th July, 25 Henry VIII. [1533], directed to Sir Richard Tempest, Knight, Sir John Towneley, Knight, Sir Alexander Osbaldeston, Knight, and Sir Thomas Southworth, Knight, commanding them to find out the truth in the controversy between Thomas Bulkok and the Abbot of Whalley.

W. 12 o.

The replication of Thomas Bulkok, &c.

W. 12 p.

Plaintiffs say that the tithe paid by them is "mere temporal and nott spyritual." Without that that, &c., &c.

JAMES OSCLYFFE *versus* ROWLAND OSCLYFFE *re* MOIETY OF A TENEMENT CALLED RAVYNSWYNDER BELONGING TO THE PRIOR OF KERTMELL [CARTMEL].

To the Right honorable Sir William Fitzwilliams.

JAMES Osclyffe, of Kertmell, in the county of Lancaster, complains that where his father (deceased) held of the Prior of Kertmell [Cartmel] 1 tenement called Ravynswynder, with certain land thereto belonging, according to the custom of the lordship there, and by his will devised the said premises equally between his 2 sons, to wit, plaintiff and Rolland Osclyffe, his brother. After the death of their said father, the said Rolland went to the

Vol. xxvi.
[Calendar 20.]
O. 1.
26 Hen. VIII.
[1534-35.]

said Prior and craftily and supplanted plaintiff in the half tene-ment and land and took it by Convent seal, by reason whereof plaintiff was compelled to labour to his brother for his share. The said Rolland then let to plaintiff, by lease, the 3rd part of the said premises and 2 acres over for as many years as were then un-expired, whereof 30 are yet to come. Plaintiff has, accordingly, had them for 16 years peaceably, until now of late that the said Rolland has caused the said Prior to take all the said premises away from plaintiff to his utter undoing. Plaintiff is a "pore Innocent" man and does not know where to apply for remedy ex-cept to your Mastership.

Michaelmas Term, 26 Henry VIII.

Hereupon a Commission to Sir James Laburn and Hugh Flemyng, Esq., to examine the matter and to certify thereupon on the Morrow of the Purification next following.

O. 1. a. Commission dated 22nd November, 26 Henry VIII. directed to Sir James Laborn, Knight, and Hugh Flemyng, Esq.

O. 1. b. The Certificate of the said Commissioners :

We came to the Priory of Certmell [Cartmell], in the county of Lancaster, near adjoining the said farmhold called Ravyns-wynder, the 11th January, 26 Henry VIII. [1535], calling before us both the said parties, to whom we had given reasonable warn-ing. The said Rolland promised we should have his answer in writing the same day, but after speaking with his friends he desired a respite until another day. We then appointed the morrow to meet at a place called St. Anthony Chappell, in Cartmell, but again there was no answer from the said Rolland, who asked for another day knowing quite well that I, Sir James Laborn, could not grant it on account of my business and coming to London. We then commanded both the said James and Rowland Osclyffe to appear in the Octaves of the Purification of Our Blessed Lady next coming. Then the said Rowland made divers offers of agreement to abide by any indifferent trial of the lordship of Certmell [Cartmell] or Furnes, or else to abide the order of us the Commissioners.

James Layburn, K.
Hew Flemyng.

DECREES AND ORDERS, HENRY VIII. BOOK 6. FO. 151.

For the matter in variance between James Oscliff, plaintiff, on the one part, and Rowland Oscliff, defendant, on the other part, for the occupation of a tenement and certain lands, meadow and pasture, in Cartmele, in the county of Lancaster. It is ordered that the said James Oscliff, at the next Sessions held at Lancaster, shall appear there before Sir Anthony Fitzherbert, Knight, one of the Justices of Assize there, to be bound in sufficient sureties in £20 that he will newly and sufficiently set up and build within the space of $\frac{3}{4}$ of a year next coming all such houses as be now decayed by the said James, and sometime standing upon the said tenement called Ravynswynder, and that he shall truly pay the rent for the same at the days accustomed to the said Rowland : And also that the said James shall not let or set the said farmhold or any parcel thereof, nor "gresse" or corn growing upon the same, to any other person except the said Rowland or his executors or assigns : And also it is ordered that the said Rowland shall peaceably occupy and enjoy the premises without let or disturbance until the said James has put in sufficient sureties before the said Master Fitzherbert according to the premisses : And also it is ordered that the said James shall pay such sums of money for an income to the said Rowland for his part and at such days as by the said Master Fitzherbert shall be considered in that behalf : And in that and in all other the premisses both parties to be ordered in all things as by the said Master Fitzherbert shall be considered in that behalf anything before expressed in any wise notwithstanding.

Inter
Oscliffe, plt.
and
Oscliffe, deft.

PETER GERRARD *versus* SIR ROGER BRADSHAWE, KNIGHT, AND
OTHERS, *re* DISTURBANCE AND EMBRACERY IN CONTEMPT
OF KING'S COMMISSION TO ENQUIRE OF ARTICLES
IN WRIT OF *Diem claus Extremun*, AT
ORMESKYRKE [ORMSKIRK].

To the Right Hon. Sir William Fitzwilliam, Knight.

Vol. xxi. N.D.
[Calendar 5,
N.D.]
G. 9.
26 Hen. VIII.
[1534-35.]

PETER Gerrard complains that where a Commission was directed out of the Court of Chancery at Lancaster to Thomas Hassall, James Scharsbryke, Robert Bolton, and James Wynsterley, Esquires, commanding them to enquire of what lands and tenements Thomas Anderston and others were seized at the time of their decease, who were their heirs, and of whom the said lands were held: and where by virtue of the said Commission, the said Thomas Hassall and Robert Bolton on the 25th June, 26 Henry VIII. [1534], came to Ormeskyrk [Ormskirk], in the county of Lancaster, and charged "an Inquest" to enquire accordingly: And immediately afterwards Sir Roger Bradshawe, Knight, Edmond Molyneux, clerk, Adam Hulton, Esq., Roger Assheall, Esq., Wm. Chorley, Sir Roger Chorley, priest, Richard Molyneux, Thomas Wrichtynton, Esq., Rauff Bradshaghe, gent., Peter Langton, gent., William Bradshaghe, of Aspul, gent., William Bradshaghe, "Mayere" of Wygan, William Bradshaghe, of Haghe, gent., Richard Urmeston, gent., Roger Urmston, gent., Robert Wrichtynton, gent., Richard Molyneux, of Wigan Woodhouse, gent., Oliver Marghelaunde, gent., Thomas Wynstramley, William Redeforthe, William Lee, and Oliver Haghe, yeomen, Adam Pendylburye, and Richard Lieche, accompanied by more than 30 persons of a confederacy between them had, by the procurement of the said Sir Roger Bradshawe and Edmond Molyneux, unlawfully assembled themselves at Ormeskyrk, and in manner of war arrayed came to the place where the said Commissioners were sitting, and then and there contrary to the order of the King's laws, notwithstanding that there was good and pregnant evidence given to prove that the said Thomas Anderston held certain lands of the King by Knight's service, persuaded and "invegled" the said inquest to find that the said lands were not held of the King,

at which time the said William Bradshaw said openly, in a high voice before the said Commissioners and inquest, that he would be against the King in that matter and spend his life and "hert bloode," by reason of which unlawful "meyntenaunce and Imbrasery" the said Commissioners were compelled to give the said inquest a new day over to enquire of the premises.

Prays for Letters of Privy Seal.

SIR THOMAS BOTELER, KNIGHT AND SHERIFF *versus* THOMAS POWMFRETE AND OTHEES *re* ASSAULT AND OBSTRUCTION OF THE EXECUTION OF THE KING'S PROCESS AT LEIGH CHURCH.

To the Right Hon. Sir William Fitzwilliam, Knight.

SIR Thomas Boteler, Knight, complains that where he was sheriff of the county of Lancaster, and had a warrant of the Peace directed to him from Sir Anthony Fitzherbert, Knight, one of the Justices of the Common Pleas at Westminster, and also Justice of the Peace within the said county, against Thomas Pomfret, of Aderton, in the county of Lancaster, carpenter, and divers others named in the said warrant, sent Richard Penkyth, his under-sheriff, and other officers with the said warrant to the Parish Church of Leghe, in the said county, the Sunday next after the feast of the Circumcision of our Lord, 26 Henry VIII. [1535], where they found 3 of the persons named in the said warrant, to wit, Thomas Powmfrete, Edmond Leche, and Nicholas Hyndeley to whom the said under-sheriff showed the said warrant, willing them to go with him to Sir William Leyland, Knight, Justice of the Peace, to find sureties, which they agreed to do, but as they were going through the said Churchyard Rauff Powmfrett, brother of the said Thomas Powmfrete, John Smythe, of the town of Atherton, "nayller," William Choll, Robert Lylyng, John Astley, and John Alerde, of the said town, accompanied by more than 100 riotous persons, part of whose names are contained in a schedule hereto annexed, at the command of John Atherton, Esq., assembled in one "plompe"¹ in the said Churchyard, and,

Vol. xxii. N.D.
[Calendar 4,
N.D.]
B. 25.
26 Hen. VIII.
[1534-35.]

¹ Plump is a north country word for a clump of trees.

armed with long staves, swords, &c., assaulted the said under-sheriff and servants putting them in fear of their lives and took away from them the said Thomas Pownfrete; whereupon the said officers went to the house of William Lynley, in Leghe, where they stayed about an hour.

Moreover, on the same day, "abowte the howre of oon or too of the clocke at afternone," Richard Atherton, by the procurement of the said John Atherton, accompanied by divers rioters, whose names are expressed in a schedule hereunto annexed, unlawfully assembled in the said town of Leghe and in a most riotous manner broke open and entered the house of the said William Lynley and made an assault upon the said under-sheriff and servants who were taking refuge there, sore wounding and hurting them: for which said assault the said persons indicted before the Justices of the Peace.

Prays for Letters of Privy Seal.

B 25. a.

[SCHEDULE NO. I.]

Rauff Smythe the elder	Robert Lyllyng
Laurence Shoghsmyth	Willm. Lyllyng
John Hyndeley	Hugh Turton
John Asteley	James Leylonde
John Smyth	Richard Hatton
Richard Smyth the elder	Peter Wawedeney
Matthewe Turton	Thomas Sinyth
Robert Smyth	James Smyth
Rauff Wawedeney	Rauff Smyth
James Turton	James Smyth
Richard Hilton	Henry Smyth
Thomas Hilton	Richard Smyth the yonger
Richard Asteley	Thomas Hilton
Nicholas Smyth	John Hilton
William Choll	Charles Smyth the yonger
George Cholle	John Hamson
Richard Cholle	Richard Hamson
Gylbart Cholle	Peter Turton
Henry Wethyngton	Thomas Dawson
Robert Hyndeley	James Dawson
Richard Gregory	Henry Wawedeney

[SCHEDULE NO. 1.]—*continued.*

John Hamson the yonger	Richard Asteley
Rauff Pomfret	John Grene
Rauff Smyth the yonger	Robert Turton
James Smyth	George Wetyngton
Charles Wawedeney	John Alerd the yonger
William Smyth	Willm. Alerd
Robert Smyth the yonger	Eged Alerd
John Hatton	Willm. Wegan
Adam Asteley the elder	John Aynesworth
James Pomfret	Rauff Tange
George Grene	Bartram Pendylbury
Rauff Hamson	Thomas Watmoghe
Rauff Smyth	Richard Croft
Charles Hyndeley	Willm. Pomfret
Robert Cluworth	Hugh Crompton
John Smythe	Richard Hatton
Nicholas Asteley	Matthewe Hamson
John Asteley	Thomas Lyghthernes
Adam Asteley the yonger	Robert Paynter
George Higgson	Willm. Paynter
John Rygby	Nicholas Throppe
Nicholas Tailor	John Throppe the yonger
Richard Tailor	William Platt the elder
Henry Hamson	James Platt
John Southorne	John Platte the yonger
Robert Byghley	Nicholas Platte the yonger
Robert Bolton	Henry Platte
Adam Bolton	Nicholass Platte
Roger Whytyll	Willms. Platte
Symon Hyndeley	

[SCHEDULE NO. 2.]

B. 25 b.

Richard Atherton	James Smyth
William Sale	Henry Smyth
Georgius Higson	Richard Smyth the yonger
Johes. Rygby	Thomas Hylton
Johes. Smyth	John Hylton
Willms. Choll	Charles Smyth
Rogerus Whittyll	John Hamson
Robartus Lylllyng	Richard Hamson
Willms. Lylllyng	John Hylton the yonger
Robertus Byghley	Peter Turton

[SCHEDULE NO. 2.—*continued.*]

Johes. Hyndeley	Thomas Dawson
Mattheus Turton	James Dawson
Robertus Smyth	Henry Walkedeyn
Rauff Wawedeyn	Robert Turton
James Turton	John Hamson
Richard Hylton	James Hamson
Thomas Hylton	Rauff Pomfret
Georgius Choll	Charles Wawedeyn
Richard Hatton	John Halton
Peter Wawedeyn	James Pomfret
Thomas Smyth	Rauff Hamson
James Smyth	John Elred
Rauff Smyth the yonger	Hugh Turton

The answer of Rauff Powmefrett.

B. 25. c.

Defendant says that Richard Penkethe, “undershereve” to the said Sir Thomas Butler, on the said Sunday mentioned in the bill, accompanied by a great number of persons, came to the Church of Leygh, which was then very full of people hearing divine service, and then and there about “sacre tyme of the Mase in the seyd Cherche” arrested the said Thomas Pomfrett, Edmond Loche and Nicholas Hyndley, to the great disturbance of the said worshippers; when the “hey masse” was done the said under-sheriff led his prisoners into the Churchyard whereupon defendant asked him why he did so, and was told that he should not know the cause: then the people on their way home came and listened to what was going on, and Richard Atherton seeing the people gathered together commanded “every man in his master’s name that should not disturb the said under-sheriff in the execution of the King’s precepts,” and told them to go home, which the greater part of them did without making any disturbance: “incontinent” the said Penkethe and his company lead away their prisoners and went into the house of the widow of Randolphe Mader, in the said town of Leygh for “to drynke,” and the said Atherton went in there too and made merry with them. When they came out he (Atherton) in his master’s name commanded those who were still waiting about to go home, on pain of the loss of their holdings, which they accordingly did, without that that the said Raffe intended to commit any riot, &c.

The answer of Matthew Hameson, Perce Walton, and George Achow.

B. 25. d.

Defendants say that as to any "Ryott or Riotuos demeanor unlawfull assemble Rescous assault affray or batery," they are not guilty. The said indictment was made by the unlawful procurement of the said Sir Thomas Butler, who maliciously caused defendants and many others to be indicted, and those who indicted them were impanelled by the said Sir Thomas, and they would have presented any "manner of thing" that the said Sir Thomas might have required.

The answer of Robert Abolton.

B. 25. c.

Defendant says that the said Richard Penkythe came to the said Church of Legh being at that time "replenysht with moche peple," arrested the said Powmfrett, Leche, and Hendley, and led them away by the arm as their prisoners and like "atheffe" up and down in the churchyard. When Pomfret asked what he should do, defendant answered "thow muste ffinde thre suertes and go to Sir Wyllyam Leylond, for the Kyng muste be servyd." Beyond this nothing was said or done.

The answer of John Atherton, Esq.

Defendant says that at the time of the said supposed riot and assembly he was 8 miles away.

B. 25. f.

The answer of Richard Atherton, William Sale, and George Igson.

Defendant says that fearing there might be an affray between the said sheriff while he was leading his prisoners away through the Churchyard and the people who were coming out of Church, "cam Runyng as ffast as he myght to them" and commanded them to make no "busynez," but to suffer the said sheriff to execute the King's precepts. Afterwards defendant went to Sir William Leylond's, Knight, which is 2 miles from the said place and dined there. After dinner tidings were brought to the said Sir William that there had been an affray at Leygh, and that the sheriff and his servants had hurt John Smythe and William Choll, and that there was "forther Inconvenyenz lyke to grow vpon the same," whereupon defendant "hastyd him thytherward" and met

B. 25. g.

George Igson, another defendant, who was coming to tell the said Sir William about it, but defendant said the said Sir William was coming after them, so they went together to the said Church and said their orisons, and "as they were makynge of ther prayers," the said William Sale came in, and afterwards they all went together to the house where the said Sheriff and his company were to ascertain the occasion of the said affray. As soon as they were in the said house certain of the company barred fast the door and said to defendant "god rest you," and then drew their swords, and 3 of them "all at ones lett dryve" at the said defendant (Richard) and put him and the said Igson in great danger of their lives, and would have slain them if the said Sir William Leylond had not come and appeased them, without that that the said John Smythe and others assembled themselves in a riotous manner, &c., &c.

B. 25. h.

The answer of John Smythe, William Choll, and Robert Lyll yng.

Defendants say that on the day of the said supposed riot, they dined together, and afterwards intending to go and make merry with some friends they passed through the said churchyard, whereupon the said undersheriff and his company called out, "here he is, take the theffe," meaning the said Lyll yng, although they had no warrant to arrest them. Lyll yng then ran away but afterwards rejoined defendants, who went again into the said churchyard, but when they came near the church porch, the said undersheriff, who was lying in wait for him, called out "take the theffe, hold the theffe," whereupon defendants ran away and fled over the church walls. One of the sheriff's servants, called Davy, pursued them with his naked sword, and when they were over the said walls, 3 of the said servants struck at the defendant John Smythe, and when he raised his staff in self-defence, John Reynacr⁹ came out of William Lyndley's house and struck him on the head with a staff and felled him to the ground. The said William Choll, seeing his fellow in such danger, turned back to help him, and then one Randolfe Glover came in like manner out of the said house, smote the said Choll and felled him to the ground.

Without that that, &c.

ANDREW BARTON *versus* CHRISTOPHER WALTON AND OTHERS,
TENANTS OF NICHOLAS BUTLER *re* ILLEGAL TAKING OF
TITHES OF HAY AND FLAX IN GREAT HOLE,
LITTLE HOLE IN CROSTON.

To the Right Honorable Sir William Fitzwilliam, Knight.

ANDREW Barton, Esq., shows that where one Thomas Bonde Clerk, Vicar of the parish Church of Croston in the county of Lancaster, by his deed dated 14th June, 26 Henry VIII. [1534], let to plaintiff all his tithe corn, hay, flax and geese within the towns of Great Hole and Little Hole in Croston: to hold from the feast of St. Barnabas the Apostle next before the date thereof for a certain term yet continuing, he paying yearly for the same £9 6s. 8d.: now so it is that Christopher Walton, Robert Parke, James Mayre and John Grene husbandmen, tenants and servants of Nicholas Butler, Esq., and others to the number of 20 by the commandment of the said Nicholas, on the 11th day of August in the said year, assembled at Little Hole, and with force and arms carried away 20 loads of hay belonging to plaintiff and still withhold the same. Also the said Nicholas of his "extort power" has at divers times in August last taken away threescore loads of corn and flax, parcel of the said tithes and converted the same to his own proper use, to the great loss of plaintiff of £20 and more.

Vol. ix.
[Calendar 7.]
B. 7.
26 Hen. VIII.
[1534-35.]

Prays for Letters of Privy Seal to be directed to the said Nicholas, commanding them personally to appear to answer the premises.

"Termio S̄ci Michis A^o rr H. viij. xxvj^o."

H^oupon a privy seale to Nicholas Butler squire John Grene and xpof Walton to apper x. Hill. prox."

SIR ALEXANDER RADCLYFF, KNIGHT, THE KING'S DEPUTY
 BUTLER *versus* WILLIAM COLLYNGS *re* CLAIM TO
 PRISAGE OF WINE AT THE PELE OF
 FODRAY IN LIVERPOOL.

To the Right Honorable Sir William Fitzwilliam, Knight.

Vol. ix.
 [Calendar 7.]
 R. 2.
 26 Hen. VIII.
 [1534-35.]

"HUMBLY complayneth" Sir Alexander Radclyf, Knight, that whereas he has been made deputy-butler in every port and creek within the county of Lancaster, to seize "pryce" wines there, such as are taken in this said county and in every other port, haven, and creek in England, to wit, of every 10 tuns of wine brought into this realm to be sold 1 tun, and of every 20 tuns, 2 tuns, &c.: and whereas also the said Sir Alexander with Sir William Fitzwilliam, Knight, to be accountable every year of all such "pryce" wine: now so it is that on the 8th day of September, 25 Henry VIII. [1533], one William Collynges of Kendall, merchant, brought from "outward partes be haunde the see" to a port or haven called the pele of fodray [Pile of Foudry] in the county of Lancaster, 40 tuns of wine, and there sold the greater part thereof, whereupon plaintiff demanded of him the "pryce" wine which he utterly refused to deliver, using many "sedychewys and malycyous wordes and yet doyth lyke onto a rebellyuos person."

Afterwards the said William Collinges brought 18 tuns of wine to a "port and haven called Lyverpole" in the same county, and there sold his said wines and discharged his ship, and again refused to deliver the said pryce wine.

Also on the day of the Invention of the Holy Cross, 26 Henry VIII. [3rd May, 1534], the said Collinges brought into the said Pele of Fodray 60 tuns of wine and then discharged his ship, and firmly refused to pay the "pryce" wine.

Prays for a writ of Privy Seal to be directed to the said William Collinges commanding him to appear to answer the premises.

WILLIAM PENBURY *versus* RALPH BRADSHAWE, CORONER, AND
OTHERS, *re* APPEAL OF MURDER IN WEST HAUGHTON.

*To the Kyng our Sovereigne Lorde and the Lordes off hys moost
honorable Councell.*

“PETEOUSLY shewyth and complayneth vnto your Hyghnes,”
William Penbury of the town of West Haughton, in the
county of Lancaster, brother and heir of Roger Penbury “dede
and muredred” that where the said Roger on the 6th day of
December, 24 Henry VIII. [1532], was at his dwelling house at
West Haughton. There came to him one Roger Rychardson of
“malyce prepensd” who riotously assaulted him and then
“felonsly slewe and muredred” him, whereupon Rauff Brad-
shawe being coroner and one of the chief maintainers of the
said murder, caused to be impanelled a jury of the next of kin
of the said Roger Richardson, who untruly found that the said
murder was committed in self defence, by reason whereof the
said murder is concealed to the “hyghe dyspleasur of god,” and
to the perilous example and boldness of other offenders if this
wilful murder be not hastily and sharply punished. Prays his
Majesty to command the Justices of Assize at Lancaster to call
before them the said coroner and jury to be examined.

Vol. ix.
[Calendar 7.]
P. 2.
26 Hen. VIII.
[1534-35.]

The answer of Rauff Bradshawe to the bill of complaint of
William Penbury. P. 2.

Defendant says that “trught” it is that the said Roger Pen-
bury named in the said bill was slain by the said Roger Richard-
son, as it was then commonly reported. And so it was that
“yncontynent” after the death of the said Roger, defendant being
one of the coroners of the Lord the King, in the county of Lan-
caster, caused divers honest persons dwelling near the place where
the body of the said Roger lay dead, to go with him to view
the said body. That done, by the advice of the said William
Penbury, now plaintiff, and others his special friends, defendant
appointed a certain day for an inquisition to be taken by an

indifferent jury to enquire how the said Roger Penbury came by his death, to wit, the 16th of December, 24 Henry VIII. [1532], upon which day the constable of the towns next adjoining the place where the said Roger died returned a panel of 24 honest and substantial persons to enquire of the premises, "whereof the said William Penbury was privy," and the said jury made their verdict in writing as follows: That the said Roger Richardson "in his owen defence dyd sley the said Roger Penbury." This verdict defendant, as coroner, certified before the King's Justices of Gaol Delivery held in the said county. Without that, that defendant is or ever was a "berer or meynteynor" of any such murder, or that defendant being coroner caused any person being near of kin to the said Roger Richardson to be empanelled on the said jury to the intent to find, untruly, that the said Roger killed the said Roger Penbury in self defence.

P. 2. a. The Replication of William Penbury to the answer of Rauffe Bradshawe.

The said William says that the said Roger Penbury was wilfully murdered by the said Roger Richardson, and that the said Rauffe Bradshawe is a great friend and "mayntener" of the said Roger of the said murder and his acquittal, and caused the said "parcyall" jury, many of whom were near akin to the said Roger, to be impanelled to acquit the said Richardson. Without that that the said Rauffe Bradshaw appointed a day for an inquisition to be taken, &c.

P. 2. c. Master Rad Bradshagh, coroner, to appear at Westminster in 3 weeks from Easter next coming to answer the premises.

John Lougr, (?) Esq.	} upon pain of £40.
John Bolde	

Master Rog. Ričson as above.

James Anderton	} upon pain of £20.
John Urmston, Esq.	
Richard Urmston	

"These are y^e namys of y^e men y^t were chossen by y^e Croner on the queste off the deth of Roger Pendelbere And howe nere syb¹ and alyed thay are to Roger Rechardson."

"Edmunde Lathewet sybbe iij and iiij.

Thomas rycrofte.

Robart Coldall alyed ij and ij.

Olyver rygbe alyed iij and iiij.

Thomas brabyn alyed iij and iiij.

Nycolas spakeman alyed iij and iiij.

Re^c Hastelaye alyed iij and iiij.

Jhamys Heryson sybbe iij and iiij.

Thomas grene sybbe iij and iiij.

Henry Haspoll sybbe iiij and iiij.

Robart burdeman alyed iij and iiij.

John Home alyed iij and iiij.

Peter Cromton alyed iij and iiij.

John Lawe alyed ij and ij.

Hue forst¹ sybbe iij and iiij.

Robart Gregory sybbe iij and iiij."

"These namys foloyng are laboryt by thare mast¹s qwyche are berrers off the mater."

Rayffe Mather.

John allrede.

Adam Hastelaye.

George Wytynnton.

Wyllyam Platte.

Recharde bromelaye.

Gylbart wodde.

Adam Wytzell.

¹ Sib = related, akin.

JAMES STANDISH *versus* HENRY, BISHOP OF ST. ASAPH, AS
 ARBITRATOR BETWEEN ABBOT OF WHALLEY AND
 JAMES STANDISH *re* TITLE TO TYTHES OF
 STANDISH PARSONAGE, &c.

To the Right Honourable Sir William Fitzwylliam, Knight.

Vol. xxvii.
 [Calendar 21.]
 S. I.
 26 Hen. VIII.
 [1534-35.]

JAMES Standyshe [Standish] of Dukkesbury [Duxbury] in the county of Lancaster, Esq., complains that whereas divers variances and strifes were heretofore depending between the Abbot and Convent of the Monastery of Whalley of the one part and plaintiff on the other part, for the appeasing whereof Henry now Bishop of St. Asaph and parson of Standyshe [Standish] desired plaintiff to submit all the said variances to his judgment, promising that if he would so do he should occupy all his tithe of Dukkesbury [Duxbury], parcel of his parsonage of Standyshe during all the time that he was parson there, he (plaintiff) paying yearly to the said Bishop for the same 5 marks. Thereupon obligations with conditions were made between plaintiff and the said Abbot to abide by the award and judgment of the said Bishop: which obligations plaintiff has kept although the award made by the said Bishop was to his great loss and hindrance and to his disherison. Plaintiff occupied the said tithe for 2 years and paid his rent for the same, but now the Bishop has taken it away from him although he has spent a great deal on the parish in many ways, and has also brought divers actions for trespass against plaintiff for occupying the same.

Prays that the said Bishop may be compelled to answer the premisses.

S. I. a.

The answer of Henry, Bishop of St. Asaph.

It is true that he was chosen to arbitrate between the plaintiff and the said Abbot by the friends and "lovers" of plaintiff, and that the said parties then bound themselves in the sum of £100 to abide his award. The said Bishop never promised plaintiff the tithe of the hamlet of Dukysbury [Duxbury] and plaintiff never

suffered any loss through him. The said Bishop took a great part of the said tithes at the time of the "compromitting" and has ever since converted them to his own use, as in threshing of corn and grain for his household at the parsonage of Standishe, and other good works of charity, such as making of ways and giving of alms to poor people in the said parish, and not for his own covetous mind as plaintiff alleges, for it is bestowed in building and repairing the said parsonage which was in extreme ruin, and in hospitality. Plaintiff has several times unlawfully taken and carried away part of the said tithes after the 10th part thereof has been severed from the 9 parts, and has interrupted deponent's servants while gathering the same, by reason whereof witness has commenced an action for trespass against him at Lancaster. Plaintiff has done nothing in the said parish beyond marling his own demesne lands, to his own singular profit and commodity, and to do this he has borrowed money of deponent.

The replication of James Standyshe. "Plaintiff is very nere kynnysman to the said Bysshopp." S. 1. b.

"The rejoinder of Harry, Bisshop of Seynt Asse." [Asaph]. Says that plaintiff was right well contented and pleased in every way with his award. S. 1. c.

Commission dated 4th July, 26 Henry VIII. [1534], directed to Sir Henry Faryngton, Knight, Sir Roger Bradsha, Knight, Rauff Standyshe, Esq., and Roger Asshowe, Esq. S. 1. d.

Commission dated 17th February, 26 Henry VIII. [1535], directed to Sir Hen. Faryngton, Knight, and Sir Thos. Southworth, Knight. S. 1. e.

Commission dated 28th November, 26 Henry VIII. [1534], directed to above. S. 1. f.

Interrogatories on behalf of plaintiff. S. 1. g.

1. Imprimis, whether the said Bishop knew of any variance between the parties ?

2. Whether the Bishop required plaintiff to "compermyt" all the said matters to him and to make him arbitrator.

3. As to what ground, pasture and common, the variance was depending ?

4. Whether the Bishop promised plaintiff that if he would make him arbitrator he should have the farm of the parsonage of Dukkesbury [Duxbury] ?

5. Whether plaintiff made the Bishop arbitrator between himself and the Abbot ?

6. Whether the Bishop ever made any award between the parties ?

7. Whether the award was in writing under the seal of the Bishop, and whether he set his hand thereto ?

8. Whether the said James Standyshe, after the award, occupied the tithes of Dukkesbury [Duxbury] ?

9. Whether Alexander Standyshe and John Wryghtynton at the command of the Bishop received any rent from plaintiff ?

S. i. h. The answer of the Bishop of St. Assaph [Asaph].

1. This the Bishop grants.

2. Does not remember whether he asked plaintiff or plaintiff him.

3. Does not know.

4. This he denies.

5. This he grants.

6, 7. If there were an award it is under the Bishop's hand and seal, and was delivered to the said James Standyshe.

8. He cannot tell.

9. The Bishop himself received nothing ; whether others in his name had anything he cannot say.

S. i. i. The Commissioners certify that on the 23rd March last, they went to the parsonage of Standyshe, then the dwelling house of the said Bishop, he being there present, and showed him the said Commission. He refused to be sworn on the holy

Evangelists, otherwise than he had done before, and said he would make his answer and send it with his own hand: which answer is hereto annexed.

At Standyshe, 23rd March.

S. i. j.

Copy of above.

S. i. k.

On the 15th January last, [1535], We the said Commissioners went to the parsonage of Standyshe and desired the Bishop to be sworn on the holy Evangelists to the truth of his answer, but he said it "wose not mett for no lorde of the parliament ner other greate prelett to be sworne oder wisse then to lay y^e hande on y^e brest, how be itt, he said, he wold lay his handes on his brest and so saye his said answer was true." As his saying was contrary to our said Commission, we dare not charge him with his said oath. However, the Bishop then caused a new bill to be made which he signed with his own hands, we standing "aferrom" in the chamber from him, and then he laid his hand on his breast and said that all things in the bill were true: which bill he would have delivered to us desiring us to certify the same, but as all he did was on his own pleasure and contrary to our commission we refused to receive it or to meddle any further in the matter until we knew your further pleasure. Howbeit, we moved him to an agreement, but he said if he did agree he should lose his best friends "such as he loveth y^e litill fynger better then he did all the body of James Standissh."

At Farrington, 20th January, 26 Henry VIII. [1535].

Memorandum, that on the 24th October, 26 Henry VIII., the said Commissioners met at Standishe, and took the depositions following:

S. i. l.

On the part of the said James.

Peres Caterall, servant to the said James, aged 24, says that he was present at Assheton in Makerfeld when the said James desired my lord of St. "Asshes" [Asaph] to be good to him, and to let him have the tithe as he had before. The said Bishop answered that he should have it, and a better thing too if he would be ordered by him.

Henry Garstan, tenant to the said James, aged 60, was with his master at the "grey freres," in West Chester, and there saw him walking with the said Bishop. Immediately after they had taken leave of each other, the said James showed deponent 5 marks or thereabouts which the said Bishop had lent him, with the promise of the said tithe or something better, but he was to keep it privy from the rest of the parish of Standish.

Richard Catterall, tenant to Nicholas Boteler, Esq., aged 54, was present at the parsonage of Standishe when the said Bishop promised plaintiff the tithe.

William Wigan, tenant to Elen Brown, aged 40, says that he formerly lived with plaintiff, who told him of the promise made by the Bishop. Lambe, servant of William Standishe, told plaintiff that the Abbot of Whalley would not abide by the award of the Bishop, but would rather forfeit his obligation.

Roger Plesyngton, servant to Rauf Arrosmyth, aged 40, knows that the said James has occupied the said tithe for 2 years.

Edmund Lawe, tenant to Roger Asshawe, aged 40, says that during the 2 years the said James occupied the said tithe, he (deponent) carried away half the tithe for his hire, and James took the other half thereof.

Robert Hyll, tenant to the said James, aged 46, as above.

The said Henry Garstan does not know the value of the loss of the said James, because before the award of the Bishop there was an award made between the Abbot of Whalley and Sir Richard Hoghton, Knight, for certain enclosures of 200 acres, wherewith the plaintiff was not content, but always claimed the 3rd part thereof and pulled down the ditches and cut down the woods upon the enclosures. Since the award made by the Bishop the said James has never had any advantage thereof.

Rauff Standysssh.

Roger Bradshay, K.

Henr. ffarryngton, K.

DECREES AND ORDERS, HENRY VIII. BOOK 6. FO. 137

For the matter in variance between James Standysse, Esq., plaintiff, of the one part, and Henry, Bishop of St. Asses [Asaph], defendant, of the other part, as well for the right and title of the "psonnes" tithe of Standisshe, in Duxbury, in the county of Lancaster, as also for award made by the said Bishop between the Abbot of Whalley and the said James Standisshe concerning certain inclosures in Gonolfes Mores which award making therein the said Bishop has denied, as by his answer to the complaint of the said James appeareth more at large, And because the said Bishop was not yet sworn upon the said answer, It is ordered by the Chancellor and Counsel of the Duchy of Lancaster that a Commission shall be directed to Sir Henry Faryngton and Sir Thomas Southworth, Knights, to take the oath of the said Bishop upon his said answer and thereupon they to set end between the said parties if they may; or else by their writings under their seals to certify the said Chancellor and Council in the Duchy Chamber at Westminster, on the morrow after the feast of the Purification of our Blessed Lady next coming, what they shall do, hear, and understand in all the premisses. And further, it is ordered that the said Bishop shall cease and withdraw all actions which he has depending in any court against the said James concerning the premisses, except the "Replevyon." And further, it is ordered by the said Chancellor, with the assent and full agreement of the said James and his counsel learned, that if the said Bishop do take his oath upon a book before the said Commissioners that as much as is contained in his said answer concerning his own act or deed he knows to be true, and that as much as is therein contained concerning any other man's act he supposes to be true, that then the said James Standishe is content to cease his suit against the said Bishop concerning the said tithe in Duxbury, And also to leave his further occupation thereof.

Inter
Standisshe plt.
et Henrye
Epm. de Asses
[Asaph],
def.

RICHARD STANDISH *versus* RALPH ARROWSMITH AND OTHERS
re TITLE TO MESSUAGE AND LANDS AT STANDISH,
 AND HETH CHARNOK [HEATH CHARNOCK].

To the Right Honourable Sir William Fitzwilliam, Knight.

Vol. xxvii.
 [Calendar 21.]
 S. 2.
 26 Hen. VIII.
 [1534-35.]

RICHARD Standish, Clerk, complains that where he was seised of 1 messuage and certain lands, tenements, meadow and pastures with appurtenances in the parish of Standisshe in the county of Lancaster, in his demesne as of fee : and so seised, Rauff Arrowsmyth, gentleman, Nicholas Hylton, George Hylton of Heth Charnok [Heath Charnock] yeoman, and Roger Ogenall of Ryvington [Rivington] in the county of Lancaster, yeoman, with more than 100 other evil disposed persons on the 1st of November last, with force and arms, entered the said premises and assaulted Lawrence Standisshe and Henry Sympson, plaintiff's servants, and then broke the doors, windows and walls of the said messuage, and put the servants in such fear of their lives that they were obliged to "take an high chamber in the house." Perceiving this, the rioters placed ladders against the walls of the chamber and with great violence broke the walls upon the said Lawrence and Henry, compelling them to "avoyde" out of the chamber, narrowly escaping with their lives. If "Maistres" Ashow with divers other honest women had not been there and to the best of their power restrained the riotous persons, the said Lawrence and Henry would have been slain. Plaintiff has been kept out of the house ever since. Pray for a Privy Seal to be directed to Rauff Arowsmith, &c., commanding them personally to appear and make answer.

Michaelmas term, 26 Henry VIII. [1534].

Hereupon a privy seal against Rauf Arowsmyth, Nicholas Hilton, George Hilton and Roger Ugnall to appear "incoñ."

S. 2. a.

The answer of Rauff Arowsmyth.

Defendant says that Alexander Strete was seised in his demesne as of fee of the said premises, after whose death the same descended to Isabel, Jane, Ann, Alice, and Margaret as

his daughters and heirs, by force whereof they entered into the same and peaceably possessed them until the feast of All Hallows: about 9 o'clock in the morning of that day Richard Standyshe, Lawrence Standyshe, Pyers Standyshe, Rauff Standyshe, and one Symson, servant to the said Richard, under colour of an untrue and feigned title to the premises claimed by the said Richard, perceiving the said daughters to be very young and "tender of age," the eldest being only 13, with force and arms entered the house, finding no creature there except the 3 youngest children of the said Alexander, one of whom was in the cradle, all the servants and household being at the Church which was about $\frac{1}{2}$ a mile away. Immediately upon their entry the riotous persons "cast" the child out of the cradle, and hurt the arm of another child: some of them were disguised in beggar's clothes so that they might not be recognised. They shut all the doors of the messuage and remained inside for 4 hours and more, until some people coming home from church heard a noise and went to see what it was. Defendant, hearing of the great "enormity and riot," and having only one servant with him, went thither to keep the King's peace and there saw the children's friends putting them into possession again. For this riot and entry the said Ric. Standyshe and others were indicted before the King's Justices at Eccleston. On the same day, one "Rauff, Esquyar," sent one of his servants named Alexander Fayrclowgh to the said riotous persons, telling them to "styke fast" to their said possession, and shortly after they were turned out of the premises about 100 persons at the command of Rauff Standyshe came there to maintain unlawful possession thereof.

Commission dated 15th February, 26 Henry VIII. [1535], directed to Sir William Leylond, Knight, Sir Henry Faryngton, Knight, Thomas Writington, Esq., and Robert Swansey, gent. S. 2. c.

We, the said Commissioners, commanded the said parties to come before us at Blakrod [Blackrod] Chapel, 5th June last past [1535], and there we took the depositions following S. 2. g

For the plaintiff.

Rauff Arosmyth, Roger Ugnall, Nicholas Hilton, and George Hilton say that they went to the said house in a peaceable manner having only a priest with them. They used no force, and did not break into the house, neither did any others by their command. Alexander Hilton and Sir John Jacson, priest, say they broke neither door nor window in the house.

Roger Ugnall and Nicholas Hilton say they went up to the said chamber at the desire of Laurence Standyshe and Henry Symson. The said Ugnall came down before Symson, and the said Nicholas at the desire of the said Lawrence toke him by the arm, and peaceably conveyed him forth. They drank together and so lovingly departed and found the doors open.

Deponents deny that they said "Lawrence come out of that house, for if you will not, you must be pulled out by the hede and that will make manslaughter," or "com forthe or the house shal be pulled downe on yor hedes."

They saw William Wynnard put upon the house door, but they did not break any.

They deny saying "bryn the howse if they com not forthe," and they did not hear anybody else say so.

Two of deponents (Rauf and Roger) had departed before the said Rauf Standish arrived, but the others were still there.

They never knew that Richard Standish, Clerk, had any right or title to the lands in variance.

The said Rauf Arowsmith never said at the Sessions at "Pryston in Andernes" [Preston in Amounderness] that he commanded the door of the said house to be broken open or that he consented thereto. Suppose there are feoffees, but do not know how many.

Roger Ugnall, George and Nicholas Hilton, all aged 60 and more, say they were so "syk and sore" that they could not ride to London, but were in jeopardy of their lives when the privy seal came for them.

Thomas Wynstanley, aged 33, and Will Redforth, aged 38, servants of Sir Roger Bradshagh, Knight, says that on All Hallows day last, word was sent to their master while he was at dinner that there was great strife for the possession of the tenement now in variance and that many people had gone there. Sir Roger said to deponents "ye shall go thyder In as myche I am Justice of peace I will know how the mater standeth," so they went at once and found 30 or 40 persons. The doors and "woves" [walls] were broken and divers men were working to make them again. When witnesses asked Nicholas and George Hilton why they behaved so they answered "why myght we not breke our owne howses."

Alexander Fairclough, aged 44 and more, servant to Rauf Standish, Esq., Justice of the Peace, says that he was with his master at H . . . at the Wakes with his kinsman Sir Roger Bradshagh, Knight, the Bishop of St. Asaph, and divers other gentlemen, and as they were going to dinner word came as above. His master sent him to Heth Chernock [Heath Charnock] to see what was going on. Rauf Arosmyth, who was the first to enter the house, spoke these words, "one of them that were in the howse had almost slayn me and they shall suffre or they passe."

Laurence Standish, kinsman and friend of Richard Standish, aged 53, and Henry Symson, servant to the said Richard, say that on the 1st of November last, they were sent by the said Richard to his house in Heth Chernock [Heath Charnock] and told to enter quietly and to keep it to his use. Finding the door open they went in, shut the door and made it fast with a bar. Soon after there came Rauf Arosmyth, &c., &c., who broke open the door, and, when deponents went into a high chamber, got a ladder and mounted it with "Stoles" and other . . . on their heads, and drove witnesses violently out of the room and house.

Alexander Standish, of Wigan, in the county of Lancaster, Esq., aged 32, says that he was at the Sessions at Preston, next after Christmas, 26 Henry VIII. and there were indictments put up against Rauf Arosmyth and others for a riot and forcible entry in Heth Chernock [Heath Charnock]. Deponent heard the said

Arosmith say "one stroke at me with a stick (?) and hitte me betwyx the legges and stroke thugh my Jaket lap and then I bade done with it."

John Longtree, of Standish, Esq., aged 30 and more, as above; Nicholas Worthyngton, gentleman, aged 38 and more, as above.

William Forde, aged about 36, says that Johnet Swansey was with him on All Hallows day last. The next day was All Souls day, and when deponent returned from Church he told the said Johnet what had happened about Strete's lands, and she said that the words of Margaret Boterworth had "come forth," for she said more than 50 years ago, "now Thurstan Strete is dead and they will dishered the elder brother chyldre for they have forged a false deed and sealed it with a deed man's hande."

Alexander Bucley, aged 60, says his wife (Elizabeth) was with Margaret Standish, her sister in law, daughter and heir of Alexander Strete, in peaceable possession of the tenement now in variance, when it was broken open by Thurstan Anderton, Esq., Edward Strete, Alexander Strete, his son, and divers others, who pulled the said Margaret out of the house and so illtreated her that she "lost hir witte" as is well known. They also put a towel round the neck of his said wife and drove her out of the house, in so much that she was brought before the Justices of Assize at Lancaster, and there showed "hir strokes and bloody clothes."

Christopher Vawse, late of Blakerode (Blackrod), aged 56 or more, heard his father say that if Laurence Standish could get an inquest for his daughter in law, Edward Strete would lose the lands, but Thurstan Anderton, Esq., who was the great "berer" of the matter, was household servant to the Earl of Derby, and therefore, the said Lawrence could have no right.

Richard Urmeston, of the parish of Bolton, aged 60 and more, knew a "stresse" taken of land in strife between Rauf Standish and Edward Strete and driven through Manchester to Stopforth, and there Rauf Standish, Robert Standish, Oliver Urmeston, William Standish, and Nicholas Sclater were arrested of felony, and there they put in surety to appear at Chester at the next

assize, whence they were dismissed, having no entry against them and nothing laid to their charge. Afterwards the said persons were indicted for felony and were acquitted at Lancaster.

Bill of Richard Heaton, Esq.

As it is a "meritoryouse dede" to testify the truth whereby the truth in any matter may be advanced, I certify that when I was in the great Chamber at Lathum [Lathom], in the presence of the old Earl of Derby, Laurence Standish came and cast a great roll of writing of "unmeasurable" length before my lord, asking him to be good lord to him as he could get no quest impanelled for Strete and his friends in Lancashire, but was forced to "seche" into Landisdale [Lonsdale] where he could not get one either. Wherefore the greater part of the gentlemen present said they thought the said Laurence had the better right and title to the said lands.

Lambert Heaton, son of Richard Heaton, Esq., swore that "this next afore" was the writing and saying of his father.

Roger Turnor, of Anderton, aged 70 and more, deposes that more than 50 years befor he heard his father say that the deed whereby the said Edward Strete claimed the lands was sealed with the hand of Thurstan Strete, his father. About 36 years ago, after the death of the said Thurstan, the said Edward came to deponent and desired him to bear witness that deponent's father was present when the said Thurstan sealed the said deed, but deponent answered that his evidence would go against the said Edward because his father had said that the deed was sealed with a dead man's hand.

John Forster, aged 56 years and more; Alexander Lasell, aged 54 and more; Thomas Lasell, aged 70 and more; and Alexander Duckesbury, of Duckesbury, in the parish of Standish, aged 54, all testify as above.

Copy of a testimonial showed before the said Commissioners on behalf of Richard Standishe.

To all faithful people, &c., Thomas Gerard, of Ince, Esq., Peers Standissh, of Derby [West Derby], Thomas Banaster, of

Wigan, Laurence Asshow, Adam Hyndley, Richard Hapton, Matthew Marghlande, Rauf Browne, John Forde, Adam Banke, Henry Grene, and John Morres send greeting. We testify that Margaret Boterworth, wife of James Boterworth, of Heth Charnock [Heath Charnock], at Wigan and other places divers times before us, being made to understand that Laurence Standish cursed all those who withheld any evidence that belonged to Margaret, daughter and heir of Alexander Strete, or forged any false deeds which would prejudice her in her right to those lands late of Thurstan Strete, her grandfather, whose heir she is, deposes that she (Margaret Boterworth) and Matthew Worthington came to Wigan by "nyghtertale,"¹ the said Thurstan then lying on his death-bed, and there caused a deed of feoffment to be made in the name of the said Thurstan to Edward Strete, son of the said Thurstan, and sealed it. She wished the said Thurstan to be carried out of his house and bed until "lyvery of season" had been had, but he would not agree thereto, and died 2 or 3 days after.

13th September, 17 Edward IV. [1477].

S. 2. i.

For the defendant.

The answer of Laurence Standish and Henry Symson.

7. They say that the said Laurence and Rauf, his son, aged 15, found the doors open and entered. The said entry was on All Hallows day a little before noon.

9. The said Rauf showed the children that there was a cow in the mire.

10. The said Rauf wore no clothes but his own that day. Did not take the wench by the arm at the window. Deponent went to Hugh and told Master Richard Standisshe about the said entry.

13. Denies that Sir Roger Bradchay, Knight, and Rauf Standysshe, Esq., knew of the unlawful entry, or that Alexander Faircloghe heard of the matter and bade deponent and the others hold fast awhile, and they should be made big enough.

14. Does not know that there were divers persons of Standisshe, Langtre, Worthington, and Coppull to the number

¹ Nyghterdale is an old word for night-time.

of 100 and above, at Heth Chernock [Heath Charnock], to aid Richard Standish, Laurence Standish, and others if they had abydden in the house.

5. Rauf Standish, Esq., came to the house after deponent had left, for what purpose he knows not.

James Shagh, aged 74, never knew that plaintiff was ever in possession or took the rents and profits of the lands. Neither the father nor mother of plaintiff took any profits thereof, nor Alexander Strete, his grandfather, who was never seised thereof.

After the death of Thurstan Strete, Edward Strete, his son, peaceably entered and occupied the lands for more than 40 years. When he died Alexander Strete, his son, entered the same and occupied them all his life. After his death Isabel, Jane, Anne, Alice, and Margaret, his daughters and heirs, entered the same and still take the profits thereof.

Roger Ugnall, aged 70; Nicholas Hulton, aged 60; Robert Fairehurst, aged 60; Robert Leight, aged 74; George Hulton, aged 70; William Whityll, aged 55; John Wigan, aged 57: and Christopher Anderton, aged 59, depose as above.

A *pee degree* [pedigree] for Richard Standishe:

S. 2. j.

Ric. Strete bastard had
issue

Thurstan Stret who had
issue by Ellen, d. of Rob.
Huton (?)

Alexander Stret who had
issue

Margaret, who was the
wife of Ralph Standish,
and had issue

Ric. Standish, plt.

Edward Strete bastard,
who had issue

Alexander Stret, who had
issue divers daughters.

Memorandum. This pedigree as put in by Richard Standisshe,
Clerk.

DECREES AND ORDERS, HENRY VIII. BOOK 6. Fo. 170.

Of
Strete heirs.
Inter
Standish plt.
et Arowsmyth
et al. deft.

Where in the term of St. Hilary a° rr Henry VIII. xxvj. [1553], for the matter in variance between Richard Standyshe, Clerk, plaintiff, on the one part, and Rauf Arowsmyth, Roger Ugnall, George Hilton, and others defendants, of the other part, of for and upon the use, title, and possession of certain lands and tenements in Heth Chernock [Heath Charnock] and Ryvyngton [Rivington], in the county of Lancaster, whereof Alexander Strete, of Charnock, was lately seised, and thereof died seised, after whose decease the said lands and tenements descended to Isabel, Jane, Anne, Alice, and Margaret as daughters and co-heirs of the said Alexander Strete, after whose decease they were in possession thereof and took the profits thereof until Laurence Standyshe and others, by the command of the said Richard Standyshe, entered into the premises: And forasmuch as the said Richard hitherto had showed no sufficient matter or title whereby he ought to have had the possession of the said lands and tenements. It was, therefore, then ordered by the Chancellor and Council of the Duchy of Lancaster, that William Chorley, gentleman, should be "garden" [guardian] to the said daughters only without let or disturbance of the said Richard, or any other, by his procurement upon pain to forfeit to the King £100 until such time as the said matter in variance were further examined before the said Chancellor, and that further order and direction by them were taken in that behalf as in the same decree thereof made in the same term appeareth more at large, since which time complaint has been made to the said Chancellor by the said Richard Standyshe, as son and heir of Margaret Standyshe, daughter and heir of Alexander Strete, pretending himself to be heir entail to the lands, obtained certain letters under the Duchy seal directed to William Wynard, John Gellybrond, and other feoffees in the said lands as to the said Isabel and other daughters and co-heirs of the said Alexander, that by themselves or by their Attorney they should appear in the Duchy Chamber at Westminster, on the morrow after the feast of All Souls in this term, there to answer to the

premisses, and that from thenceforth and in the meantime they, nor any of them, nor any other by their commandment or assent should make any "strypp" or waste in woods or houses upon the lands as in the letters of commandment to them directed appeareth more at large : And at which day William Bolton, as their Attorney, has injunction to give attendance from day to day and not to depart without licence, which William Bolton as Attorney for the said Wynard and the other feoffees and as " garden " [guardian] to the said daughters was admitted by the said Chancellor to make answer to the bill of the said Richard Standysse, and thereupon the said Bolton made answer to the same complainant according as by the records remaining before the said Chancellor appeareth more at large : And hereupon, for knowledge of the title herein, a privy seal is awarded to Rauff Arow-smith to deliver all such evidences as he hath concerning the inheritance of the said Alexander Strete to Robert Ugnall and Nicholas Hilton, or else personally to appear xv^{na} Hill. prox. and then to bring with him the said evidences.

EDWARD BARBOUR *versus* RICHARD PRESTON, PRIOR OF
CARTMELL MONASTERY *re* POSSESSION OF A TENEMENT
AND LANDS CALLED CARTERHOUSE, AND THE
OFFICE OF CARTER IN KENT SANDYS
[KENT'S BANK] AND CARTMELL.

To the Right Honorable Sir William Fitzwilliam, Knight.

EDWARD Barbour servant of Richard Anson "grome porter" to the King complains that where one Edmundson was possessed of 1 tenement and 10 acres of land lying in Cartmell in the county of Lancaster, and of one office called carter office "upon Kent Sandes" [Kent's Bank], in Cartmell, held by him as tenant right of the Prior of Cartmell. So seised, the said Edmondson let all the said premisses to one Roger Kellet who died thereof possessed, by force whereof Thomas Kellet his oldest son entered into the said premises according to the custom of the said county

Vol. ix.
[Calendar 7.]
D. 2.
27 Hen. VIII.
[1535-36.]

called tenant right. Both the said Roger and Thomas agreed with the then Prior of Cartmell and gave him divers sums of money for the "gersom" of the said tenement. After the death of the said Thomas Kellet the said premises came to Thomas Kellet his son, who by his indenture made in the 26th year of King Henry VIII. gave up all his title and tenant right of the "Kartehouse otherwise called carter house" in Kertmell to Richard Kellet, William Kellett, Robert Kellet and Robert [sic] Kellet his kinsmen who granted all their right in the premises to plaintiff, whereupon Richard, Prior of Cartmell, lord of the premises, was content that your orator should occupy the same. Yet now so it is that the said Richard Preston, Prior of the Monastery of Cartmell will not permit plaintiff to enjoy the said premises, and your suppliant being a stranger in the county is not able to sue for a remedy in the common law against the said Prior who is a great man in those parts and "greatly fryndyd and favouryd there."

Prays for Letters of Privy Seal to be directed to the Prior.

"Termio Sēi Triñ A° 11 H. viij. xxvij.

Versús priorem de Cartmell whiche day to apper by privy scale xv. triñ."

ROBERT HEETON *versus* HENRY PROCTOR AND OTHERS *re*
ASPORTATION OF TYTHES OF BLACKBURN CHURCH.

To the Right Honourable Sir William Fitzwilliam, Knight.

Vol. ix.
[Calendar 7.]
H. 7.
27 Hen. VIII.
[1535-36.]

"COMPLEYNYNG sheweth," Robert Heeton, of Walton, in the county of Lancaster, that whereas John, Abbot of the Monastery of Our Blessed Lady of Whalley, in the said county, is by right of the said monastery, parson "in persone" of the parish Church of Blakburn [Blackburn], in the county of Lancaster, and by reason thereof has taken all the profits of the tithe corn growing upon the said parsonage or within the precincts or limits of the said parish of Blakburn [Blackburn], "without tyme or memory of man :'" and he, so being seised of the said parsonage

with all the tithes, oblations, and offerings, by his deed sufficient in the law under the conventual seal of the said monastery, demised to plaintiff all the tithe corn and other profits growing within a certain limit in Blakburn [Blackburn] called the "lawe Church:" to hold for certain years yet to come: Now so it is, that of late and since the said grant Henry Proctor, of Walton, dwelling within the precinct of the said Chapel or Church called "Lawe Church," Edmund Casker, Robert Stonys, Olyver Kellet, Christopher Estham, Thomas Knalle, William Caterall, Henry Balschay, Thomas Colwyn, Henry Bramister, and Thomas Award, all of the same, have withheld all their tithe corn that grew this year within the said limit from plaintiff being farmer of the same, and refuse to pay or deliver the same, although plaintiff has often required them so to do.

"Yt may therfor please your good mastership in the way of Charitie" to grant Letters of Privy Seal to be directed to the said Henry Proctor, &c.

"Termio s̄ci Mich̄is A^o r̄r H. viij. xxvij^o."

H^oupon a privy seale ayenst Edmond Tasker, Henry Balshay, Henry Bonaster, and Thomas Award to Apper cr. pur. prox."

THOMAS PARKER *versus* SIR RALPH PARKER, CHANTRY PRIEST,
re CLAIM TO CHANTRY LANDS IN CHIPPING.

To Sir William Fitzwyllyam, Knight.

THOMAS Parker, of Chyppyn [Chipping], in the county of Lancaster, complains that where one Thomas Southerne, of Newport, in Shropshire, was seised of one chantry of Our Lady in Chyppyng [Chipping], and so being thereof "ryght patrone" by the "gret instytute labor" and friendship of the said plaintiff, admitted one Sir Ralfe Parker, chantry priest of the said chantry, to hold for his life: for which great labour so taken by plaintiff the said Sir "Rawfe" promised plaintiff that where he (Sir Ralph) was seised of one messuage and divers other lands and tenements in right of his said chantry for the term of his life, that immediately

Vol. ix.
[Calendar 7.]
P. 3.
27 Hen. VIII.
[1535-36.]

after the death of Elizabeth Awker, widow, plaintiff should occupy and enjoy the said premises for his life, he paying the old and "accustomable" rent for the same: Now so it is, that the said Elizabeth Awker is dead and the said Sir Raffe will not suffer your orator to occupy the said messuage according to his said promise.

Prays for Letters Patent to be directed to the said Sir Rawfe Parker commanding him to appear to answer the premises.

"Termio Pasche a° rr H. viij. xxvj. and xxvij°.

H^upon a privy seale ayenst Sir Rauff Parker, clerc, to apper cr. Johis prox."

GEORGE SLATER *versus* WILLIAM GRYGE *re* FORCIBLE ENTRY
AND POSSESSION OF LANDS AT ST. MIGHELLS IN
CARTMEL MANOR.

To the Hon. Sir William Fitzwilliam, Knight.

Vol. ix.
[Calendar 7.]
S. 4.
27 Hen. VIII.
[1535-36.]

GEORGE Slater, . . . complains that where one William Slater, of Cartmell, in the county of Lancaster, his father was seised of 39 acres and more of customary land called tenant-right, lying in Cartmell, held by copy of the Prior of Cartmell as of his manor of Cartmell: and he being so thereof seised took to wife Agnes Hartly, and had issue by her James Slater and George Slater your orator; and whereas also by the custom of the county all such lands within the said lordship are "demysalle" by testament: and that the said William Slayter by his will gave the said 39 acres to the said Agnes for term of her life, and after her decease, to the said James Slayter for his life, and after his decease to plaintiff for his life, by force whereof the said Agnes, James, and plaintiff respectively entered into the said premises and occupied the same: Now so it is, that one William Gryge, with 6 other riotous persons with force of arms entered into the said premises which they have kept ever since contrary to law.

Prays for writ of Privy Seal to be directed to the said William Grige to appear and answer the premises.

"Termio s̄ci Hill. a° rr H. viij. xxvij.

H^oupon a privy seale ayenst William Gryge to appear xv. pasche prox."

George Slater, of London, brewer, complains that whereas one Thomas Slater, his grandfather, lately deceased, for a certain fine paid by him to the late Prior of Cartmell, in the county of Lancaster, took a tenement with 60 acres of land lying in the parish of St. Mighelles,¹ of Cartmell, whereof the said Thomas was seised "as very owner of a fee simple" after the custom there used time out of mind, called tenant-right: which custom is, that if any person take any lands or tenements lying within the said county "in the parties" of the owners thereof and paid a fine for the same, that then they shall enjoy such lands from heir to heir without expulsion, provided always that they pay the rents and services agreed upon between them; by force whereof the said Thomas Slater enjoyed the said premises for his life, and also marled the ground there at a cost of £20 and more. After the death of the said Thomas, the said tenement and land descended to one William Slater, deponent's father, who enjoyed the same during his whole life, and paid his fines to the said Prior. Upon the decease of the said William, the said premises descended to one James Slater, his son and heir, who occupied the same during his life. After his death, plaintiff entered into the said premises.

S. 4. a.

[Here the document ends abruptly: it is evidently only a draft as the dates are not filled in.]

Termio s^ci Mich^{is} a^o rr H. viij. xxv.

H^oupon a privy seale ayest William Grige to apper xv. Hill. prox."

¹ There is no St. Michael's in Cartmel, but the fair at Flockburgh is, by ancient charter, held at the Feast of St. Michael the Archangel; possibly the church there was originally dedicated to St. Michael.

ROGER, ABBOT OF FOURNES [FURNESS] MONASTERY *versus*
 NICHOLAS BUTLER *re* TRESPASS ON TURBARY
 AT STALMINE GRANGE.

To the Right Honorable Sir William Fitzwilliam, Knight.

Vol. ix.
 [Calendar 7.]
 F. 4.
 27 Hen. VIII.
 [1535-36.]

ROGER, Abbot of the Monastery of our Blessed Lady of "Fourness" [Furness], in the county of Lancaster, complains that where he and his predecessors time out of mind have been lawfully seised in their demesne as of fee, in right of the said monastery, of certain messuages, lands, tenements, commons and turbaries with their appurtenances, lying "ney," about, and in Stalmyn grange, in the county of Lancaster, all which premises have been used to be let to certain persons to hold at the will of your said orator: which said tenants there dwelling being "fyners and makers of salt" have yearly, in right of the said monastery, been accustomed to dig up plenty of turves in a great moss and turbary near adjoining the said Stalmyn grange for the fining and making of their said salt and for their fuel, and have carried away the same for their most profit; until now of late, that is to say, about the 20th day of May, 27 Henry VIII. [1535], that one Nicholas Butler, of Rawclyff, in the county of Lancaster, Esq., with 6 or 8 of his servants riotously arrayed, came to the said moss, and, in a most cruel manner, cast all the turves which the said tenants had dug up into the pits again, and took from them their "dyggng spades" and retained the same, by reason whereof the said tenants left all their labor and turfes and the making of the salt for the said year, to their great impoverishment. Also the said Nicholas, of "hys farder evyll disposed mynde," about the 4th day of May last, with 8 or 10 of his servants, came to the said moss and there riotously broke asunder all the turves which the said tenants had cast up for this year, and threw the same back into the pits again; and also maliciously threatened the said tenants, so that for fear of their lives they dare not dig any more.

Prays for Letters of Privy Seal to be directed to the said Nicholas commanding him to make answer to the premises.

Termio Hill. A° rr H. viij. xxvij.

H⁹upon a privy seale ayenst Nicholas Butler to apper Mense pasche prox."

RALPH URMESTON, EXECUTOR OF THE WILL OF ELEN URMESTON
versus JOHN URMESTON *re* TITLE TO LANDS, &c., HELD
 OF CONVENT OF ERBURY [ERDBURY], AT LEGHE
 [LEIGH], &c.

To the Right Honourable Sir William Fitzwilliam, Knight.

RAUFFE Urmeston, executor of the will of Elen Urmeston, widow, his mother, lately deceased, complains that where William Cokes, Prior of the house of Chanons of Our Blessed Lady of Erbury [Erdbury], and the convent of the same place, by deed dated 1st May, 4 Henry VII. [1489], granted and to farm let to Gilbert Urmeston, and others their parsonage of their parish Church of Leghe [Leigh], in the county of Lancaster, with the glebe of the said Church, and all rents, tithes, profits, &c., thereto belonging, to hold for 40 years. Afterwards the said Gilbert by his will bequeathed the term and lease to John Urmeston, his son, who entered into the same premises, and during the said term made the said Ellen his executrix. After his death, she entered the parsonage, &c. and enjoyed the same until John Urmeston, son of John Urmeston, husband of the said Ellen, expelled her, at which time there were still 18 or 19 years of the term still unexpired. As the said John has taken the profits thereof all this time the said Ellen has lost £400. The said John also took from her certain timber then lying in frame at the said parsonage to the value of £10, and bedding, hangings, boards and other household stuff to the value of another £10. The said Ellen made plaintiff her executrix, by reason whereof the said John Urmeston owes him £420.

Vol. xxviii.
 [Calendar 22.]
 U. 2.
 27 Hen. VIII.
 [1535-36.]

And whereas also John Urmeston, plaintiff's father, enfeoffed William Urmeston, Peirs Irelande, and others of (inter alia) 1 messuage lying in Westley [West Leigh], in the county of Lancaster, then in the tenure of Richard Twisse, and 2 closes of land there called Oxheys, then in the tenure of John Hyndeley, to hold to them and their heirs for ever to the performance of his will : by which will he declared that after the death of himself and his wife his feoffees should be seised of the said messuage and of a yearly rent of 9s. 4d. issuing from the said closes to the use of plaintiff for life. The said Ellen died about Michaelmas last and on Saturday next before Michaelmas day, after her death John entered the premises and will not suffer plaintiff to enjoy them, and has also entered another tenement in Westley [West Leigh] where the said Ellen dwelt, and taken from plaintiff his coffers there being also 200 cartloads of oats, 40 cartloads of barley, 12 loads of hay, and 12 loads of straw, which were in the barns there, and which were of the value of £40 and above to plaintiff's "unportable" loss.

Prays that a Commission may be appointed to hear and determine this matter.

U. 2. a.

The answer of John Urmeston.

Defendant says that Gilbert Urmeston, his grandfather, John Urmeston, his father, and William Urmeston, his uncle, were jointly possessed of the lease of the said parsonage for a certain term to the only use of the said Gilbert, which years are now fully ended. The said Gilbert by his will bequeathed the term to the said John and William his sons, and further willed that if the said John died before the term was ended, that then the term should remain to the heirs male of the said John and William. The said William survived Gilbert and John, and granted the said term and take to defendant, who was accordingly possessed thereof and took the profits thereof until the end of the term. Without that that defendant expelled the said Ellen.

As to the messuage and closes in Westley [West Leigh] defendant says that his father was seised thereof in his demesne as

of fee, after whose death they descended to defendant as his son and heir, and he takes the profits thereof. It is true that the said Ellen had a messuage in Westley [West Leigh] for her life, which was of defendant's inheritance, but she only had it by award made between her and defendant by Thomas, late Earl of Derby, for her life, on condition that she should do no waste there. As at the time of her death it was in ruin and decay to the amount of £20 and more, defendant not knowing how he could get recompense caused 2 coffers of small value and certain oats, barley, hay and straw lying in the barns there to be "restreyned" until the executors of the said Ellen should make defendant some amends for the said waste: all which goods defendant by the order of Thomas Halsall, John Holcrofte, Robert Langton, and Richard Byrche, Esqrs., Commissioners, has suffered plaintiff to take away if he liked.

Commission dated 16th February, 22 Henry VIII. [1531], directed to Thomas Grymesdyche and Gowther Lygh, gentlemen. U. 2. c.

Depositions of witnesses taken at Kenyan [Kenyon], in the county of Lancaster, 24th April, 23 Henry VIII. [1531], on behalf of plaintiff. U. 2. g.

2. Richard Anderton, aged 44, says that John Urmeston, father of defendant, took the profits of the parsonage of Legh to his own use.

4. Deponent was made deputy for defendant within 6 weeks after the decease of the said John, and received the profits of the said parsonage to the use of the defendant for 2 years and more.

10. He never knew that Sir William Urmeston, vicar of Legh [Leigh], took the profits of the parsonage of Legh to his own use. U. 2. h.

John Urmeston, of Lygh [Leigh], in the county of Lancaster, Esq., aged 50 years and more, examined at Westminster, 13th May, 23 Henry VIII.

1. The said Gilbert Urmeston willed the said parsonage to John Urmeston, his son, deponent's father, and to William Urmeston, vicar of Legh [Leigh], for their lives.

2. The said John and William took the profits of the parsonage jointly.

4. Deponent has taken the profits thereof since the decease of his father, and made account thereof to the said William and to Ellen, his mother.

5. Witness had certain timber there of Sir William Urmeston and of his gift and "noon of herres."

6. Had no stuff in the said parsonage but of the gift of Sir William, except an old hanging in the hall, 4 bedsteads, and a "Chymeney of Jeron" [iron chimney] in the keckyn, which were "standerds" there before. The said Ellen had all the residue at her pleasure by the agreement of Sir William.

7. Never heard of any such feoffment until this variance began, and knows not to what use it was made.

10. The Vicar was never sole seised, but only to the use of the performance of the said Gilbert's will.

11. He (deponent) received the profits by the agreement of Sir William, made between deponent and the said Ellen, and with the same he was to pay to the Prior of Erderbury [Erdbury] £20, to Sir Gilbert Heton, vicar of Legh [Leigh], £12, to William Parkar £8, to William Orrell 40s., and to the parish priest 50s.

U. 2. i. John Urmeston, of Westley [West Leigh], in the county of Lancaster, gentleman, aged 50 years and more.

1. The said Gilbert had the take of the farm of the parsonage for certain years, and "other werr with hym of hys sonnes by hys puttyng yn to hys use," and took the profits thereof during his life.

The said Gilbert by his will gave the take and term to John Urmeston, his son, for life, if he died to John, son of John, and to William, son of Gilbert, and the heirs male of the said Gilbert.

The said John took the whole profits after the death of his father.

The will said to be that of John Urmeston is in deponent's keeping, but he knows it to be no true will.

Deponent says that Parnell and Margery, his sisters, claim the said farm by the last will of the said John Urmeston, their father, and deponent has taken the profits thereof to their use.

Know not for certain what he had of the parsonage of Lygh [Leigh]; of Bowrehey he received 40s. 6d., which was divided between the said Parnell and Margery.

Does not know whether the said Ellen was executrix or not for he was in service at Colyveston [Colveston] when his father died, "and that she took a letter of Ministration or Colligend."

Thinks that William Urmeston took some of the profits of the parsonage as he was Vicar of Legh [Leigh]. "Item to remember Mr. Heydon that he do write in the boke of John Urmeston interrogarys" that Sir William Urmeston, Vicar of Lyegh [Leigh], took all the tithe corn of Bedford and part of the glebe land belonging to the benefice of Leygh [Leigh], according to the take of the said benefices, which the said Gilbert took of the Prior and Convent of Arbury [Erdbury].

Piers Longton, aged 60, says that defendant, since the death of John, his father, has taken the profits of the parsonage to his own use. U. 2. k.

Margerie Longton, plaintiff's sister, aged 40 and more, as above.

John Lancaster, aged 40, said he heard John Urmeston, plaintiff's father, say that he had made deponent and John Ireland his attorneys to deliver possession to Piers Ireland and other his feoffees. The said John Ireland was then in Mañ and never delivered possession, but made Piers Platte his attorney to deliver possession to the said Piers who took possession in a house of one Twiss.

Depositions on behalf of defendant.

Defendant showed a deed of demise or lease under the Convent seal of the Monastery of Erdebury whereby it appeared that a lease was made by the Prior and Convent of the Monastery to Gilbert Urmeston, John Urmeston, Master Gilbert Urmeston, Clerk, William Urmeston, vicar of the Church of Legh [Leigh], and Roger Urmeston: to hold to them for 40 years.

Randulph Mader, aged 60 years and more, was with Gilbert Urmeston a little before his death, and heard him say to John, his son, father of defendant, "son, I gyve the my lande and takkes and charge the that thou leave theym to thy heires in like forme as I leave theym unto the."

John, the father, received the tithes as his father did before him to his own use, and Sir William Urmeston, vicar of Legh [Leigh], received the oblations due to the parson to his own use for 14 or 15 years.

Deponent is a parishioner of Legh [Leigh], and believes that defendant has received the profits of the said parsonage.

John Holcroft, of Holcroft, Esq., aged 50, says that the said Gilbert declared by his will that John, his son, and Sir William should have the residue of his term in the said lease, which was the true will of the said Gilbert, whose very intent it was that his heirs male should enjoy the said term, for which cause Sir William was "joned in devise" with the said John for fear the latter should alienate the said term from the heirs male.

There was certain timber at the parsonage of Legh [Leigh] of the value of about roos. which belonged to Sir William who intended to make a chamber in the parsonage therewith. Defendant has since taken the timber to his own use. Never heard that the said Ellen had any interest therein.

Nicholas Rigby, of Harok [Harrock] Hill, aged 80 and more, says that defendant did not take away any timber, bedding, or other stuff to his knowledge.

Richard Urmeston, aged 60 years and more, heard Gilbert Urmeston, his uncle, say that by his will he had devised the lease of the parsonage to his sons John and Sir William and to the heirs male of the said John. Heard the said will read over to Gilbert. Has heard defendant say that he would be pleased for plaintiff to take away from the parsonage anything that belonged to the said Ellen.

John Astley, Clerk, aged 50 and more, John Barker, priest, aged 66, Richard Urmston, aged 60, Richard Anderton, aged 40

years and more, and Randolph Mader, aged about 70, say that defendant received the said profits from the death of his father until Relique Sunday¹ next following. The profits not received by his said father amounted to about £43, whereof £20 were paid to the Vicar of Erdebury for the farm of the half year of the said parsonage of Legh [Leigh]; £12 to the Vicar of Legh [Leigh] for arrears of his wages due by the said John, the father; 50s. to the parish priest for his wages; £8 for the redeeming of certain plate "laid in gage" to William Parker; and 40s. to redeem a certain cross of gold "laide in gage" to William Orrell.

Deponents were present on the said Relique Sunday when an agreement was come to between the said Ellen, plaintiff's mother, and defendant, as to the profits received since the death of the said John, the father.

Agnes, late the wife of Richard Twis deceased, aged about 60, says that ever since she was 2 years old she has lived in the house whereof it is alleged that possession was delivered to the feoffees of the said John, the father, but she never heard anything about it. About 2 years ago, plaintiff and his brother James came to deponent and desired her to remember whether possession ever was delivered, and she told them she never heard of it.

U. 2. m

At Wynwik [Winwick], in the county of Lancaster, 2nd May, 23 Henry VIII.

John Astley, Clerk, aged 50 and more, says that after the decease of John Urmeston, plaintiff's father, Sir William entered the farmhold of the parsonage according to the will of Gilbert, his father, and afterwards sealed a release to defendant, who by virtue thereof entered. Sir William bought certain timber of Piers Shakerley, Esq., intending to build a chamber, but he afterwards gave it to defendant, who caused it to be carried from Shakerley to Legh [Leigh], which said timber was worth 40s.

Gowther Legh.

Thomas Grymesdicke.

¹ Relick Sunday is the 3rd Sunday after Midsummer-Day.

U. 2. n. Master Heydon "please it you to wete." I am informed that Rauf Urmeston has gone to the Chancellor to complain against me. If he desire any commission, I beseech you to move the Chancellor to award it to the King's Justices at Lancaster, and to the King's Attorney, Master Thomas Strey, and Master John Birkeheyd. If the Vice-Chancellor and the Baron of the Exchequer be joined with them I shall be content.

"The holy goost have you ever in his tuysion."

At Leygh [Leigh], in Lancashire, the 26th day of October.

Yours assured,

John Urmeston.

EDWARD BEKKE *versus* ELYS CROMPTON AND OTHERS *re* FORCIBLE
ENTRY AND TORTIOUS POSSESSION OF LANDS, &C., HELD IN
FEE TO THE USE OF FINDING PERPETUAL PRIESTS
FOR MANCHESTER PARISH CHURCH.

To the Hon. Sir Ric. Wyngfeld, Knight.

Vol. xx. N.D.
[Calendar 4.]
B. 38
28 Hen. VIII.
[1536-37.]

EDWARD Bekke complains that where he and others were seised of 8 tenements and 400 acres of land and pasture in Harwode [Harwood], in the County Palatine of the Duchy of Lancaster, in their demesne as of fee for the finding of 4 priests perpetually, for ever, to sing and pray in the Parish Church of Manchester, and so seised, Elys Crompton, Yenott Crompton, Robert Rikbye, and Roger Crompton, with divers other evil disposed persons, about the 27th day of May last, in the "middys" of the night, having clubs, staves, and other weapons, with force entered into one of the said 8 tenements wherein Henry Huscherwode dwelt, broke up the doors and windows of the said house, "plukkid" and drew out of the same the wife of the said Husherwood and all his children, and cast out all the household stuff, bedding, &c. Afterwards, in the most "schamfull and crewell maner that have ben seyn," the said misruled persons cast the said tenement down to the ground, and about the last day of May they

entered into a parcel of the said ground and cut down 30 loads of oak and ash growing there and carried them away, by reason of which wrongdoing plaintiff's cannot occupy the said premises.

Prays for letters of Privy Seal.

Hereupon a Privy Seal to Elys Crompton and Yenett Crompton to appear 13 Michaelmas next.

SETH WALKER *versus* EDWARD HOPKIN AND HENRY BREERLEY
re TITLE TO LANDS &C., IN OLDHAM.

THE replication of Seth Walker to the answer of Edward Hopkyn and Herry Breerley.

He says that Edward Hopken, Herry Breerley, and John Hawkerd are guilty of the said riots mentioned in the bill.

Vol. xxxii.
[Calendar 26.]
W. 3.
28 Hen. VIII.
[1536-37.]

It is true that Robert Longley, Esq. and others were seised in their demesne as of fee to the use of the said Hopkyn and his heirs, of all the lands and tenements in the town of Oldham, in the county of Lancaster, as is surmised in the said answer, so seised, the said Hopkyn made to plaintiff, 3 several leases thereof, by reason whereof plaintiff was thereof possessed from the dates of the said leases until the feast of the Annunciation last past. Without that Edward Assheton, Edmond Longley, gentleman, Richard Breerley, Nicholas Whithed, John Newton, and Richard Assheton did award for the "meyesse, gardyng," and 3 closes called Heght buttes, Littill Marled Heth, and the Loder close, that the said Seth Walker should surrender all his estate and title therein to the said Edward Hopkyn. If there were such award it would be void for 2 causes, the one, because there was no bond to perform their award, and the other because it was awarded contrary to the law. Without that the said Seth agreed that the said Hopkyn should enjoy the said premises, or that the said Seth and Herry Walker, his son, assaulted and wounded the said Hopkyn, or threatened to kill him if he did not make them a lease for 40 years of the said "meyesse," kyne, meadow, and Hardfeld, they paying yearly for the same 6s. 8d., or that the said Hopkyn made such lease because

they so menaced him. The said Seth always paid the said rent beforehand, but at the feast when the said Hopkyn supposed it to be in arrear he took away goods and chattells belonging to plaintiff. There were always good to the value of more than 6s. 8d. so that defendant had no excuse for re-entering the said premises.

As to the lands and tenements mentioned in the third lease, to wit, 4 closes called the Carr meadow, the White Hyles, the new close and Common Layne, the new house, the moiety of a barn, the moiety of a field with certain turbary in Oldham, it is true that it was agreed between defendant and plaintiff, by deed, that defendant should make feoffment thereof to John Taytlow and others in fee to the use of Edmond Hopkyn, son and heir apparent of the said Edward Hopkyn and Margaret, daughter of plaintiff, of such estates as in the said indenture appears, reserving always to plaintiff his lease and term: which said feoffment defendant accordingly made. As to the receipt of 26s. 8d. in part of the consideration of the lease of 3 closes called the Heghbalkes, the marled Heth, and the lower close; and as to the receipt of 46s. in part of the lease of the said 4 closes above-mentioned, the said defendant has acknowledged the receipt thereof. It is true that it was agreed between plaintiff and defendant that for 33s. 4d. to defendant paid, plaintiff should be discharged of all the rents reserved within the first 2 indentures, one whereof is dated 26th April, 17 Henry VIII. [1523], and the other 11th November, in the same year, which whole rent in both indentures amounted yearly to 10s. sterling, and that he should only pay 2d. yearly during the said lease. Plaintiff paid the said amount which defendant would never repay. Whereas plaintiff had prepared his fuel of turbary in the said moss, parcel of his lease dated 11th November, defendant since the delivery of the privy seal has burnt the said fuel. And whereas plaintiff had let 1 messuage, parcel of the said lease, to Nicholas Somester to hold at will, reserving the rent of 4s. yearly, defendant has threatened that if he paid not the rent to him he would "pluk the house over his hed."

W. 3. a.

The rejoinder of Edward Hoökyn and Henry Breereley to the replication of Seth Walker.

The said award concerning the said "Moose," garden, and 3 closes called High buttes, Marled yerth, and the lower Close was made by the said Edward Assheton and others, and the said surrender made to the said Hobkyn is good and sufficient, because it was made by force of the said award, and in recompense for divers trespasses and wrongs done by plaintiff to defendant.

When the said rent of 6s. 8d. was unpaid, defendant did not carry away any goods or chattels belonging to plaintiff: neither did he burn the said fuel, &c., &c.

Commission dated 12th February, 27 Henry VIII. [1536], directed to Sir Richard Assheton, Knight, and Laurence Asshehowe, gentleman.

W. 3. b.

The Certificate of the said Commissioners.

W. 3. c.

We called before us, at Myddleton, on the 30th April, 28 Henry VIII. [1536], both the said parties, and because we could make no agreement between them, nor determine their rights, titles, and possessions, we took certain depositions which we herewith send.

Nicholas Somestr^o, aged 26, tenant of the said Seth Walker, says that he had all the goods following in his house when the said Hobkyn re-entered the said ground now in variance: a "certen" of hay, price 12d.; 2 brass pots, price 3s. 4d.; 2 beds, price 6s. 8d.; 1 dublet; 1 Jacket; and a pair of hawse, price 10s.; and 2 gowns for a woman, price 8s. 8d.

Edward Shuxsmith, aged 22, tenant to John Hopwod, says that Edward Hobkyn had a horse price 15s. of Seth Walker about the feast of St. Martin, 23 Henry VIII. [1531], which he took for his last rent, and which deponent bought of the said Hobkyn for 9s. 1d.

Nicholas Whithed, aged 56, and Richard Assheton, aged 52, tenants to Edmund Assheton, say that defendant had a jacket price 6s. 8d. of plaintiff, but whether for his rent or not they know not.

Reignolde Tetlawe, aged 60, says that defendant received 3s. 4d. of plaintiff as parcel of his rent in the 25 Henry VIII. [1533-34]; he also had a "stryke" of plaintiff in the said year, but what it was for deponent knows not.

Isabel Rawneslaye, aged 32, and Joan Robotham, aged 20, say that when defendant re-entered the said ground there were 40 burdens of hay in a barn standing thereupon, which they and others carried away.

Henry Hopwod, aged 50, tenant to the said John Hopwod, saw the last deponents carry away the said hay.

Edward Assheton, aged 50, says that whereas plaintiff had a lease of defendant dated 26th April, 17 Henry VIII. [1525], of 3 closes during the natural life of defendant, he (plaintiff) by the mediation of deponent and others agreed that defendant and his wife should occupy to their use the said closes and 1 "bey" of a barn. If they set the said premises plaintiff to have them before any other.

The said Richard Whithed and Richard Assheton, as above.

Richard Leghez, of Asheton, aged 30, tenant to Sir John Dawne, Knight, says that he was present at a reckoning between plaintiff and defendant in Lent 2 years ago, in a "plez" at the said Reignolde Tetlawe, when plaintiff paid to defendant 2s. parcel of 13s. 4d. of rent then in arrear.

John Shuxsmith, of Oldham, aged 50, tenant to the heirs of James Hopwod, says that at plaintiff's desire he went to defendant and asked him why he set fire to the turves or fuel of plaintiff. He made no answer beyond confessing that he had burnt them.

John Robotham, aged 22, tenant to Edmund Tetlawe, says he did "mawe" and cut down certain grass in 1 of the said 3 closes, about 4 years ago, for the behoof and profit of plaintiff.

Depositions on behalf of the said Hobkyn.

John Brereley, aged 57, tenant to Rauff Prestwhiche, says that before the said variance began, plaintiff was in possession of such parcels of lands now in dispute by force of a lease to plaintiff by defendant dated 11th November, 17 Henry VIII. Deponent and others went to the said ground with defendant 4th February, 26 Henry VIII. [1535], to demand the rent for 4 years past, but plaintiff was not present to make answer, whereupon defendant desired witness, William Leighez, and John Newton to testify that

he searched the said house and ground to find sufficient distress, but that there were no goods to satisfy him for 4 years' rent, wherefore he quietly re-entered the said premises.

William Leighes, aged 36, tenant to Rauff Prestwiche, and John Newton, aged 39, tenant to Sir John Buron, Knight, depose as above.

The said John Brereley deposes that the said turves or fuel were burnt before the said Hobkyn had the privy seal delivered to him by plaintiff.

JAMES ANDERTON *versus* OLIVER AND PETER ANDERTON *re* TITLE
TO MESSUAGES, LANDS, &c., AT CHORLEY, HELAY,
EWKESTON [EUXTON], &c.

*To the right honorable William, Earl of Southampton, Lord
Admirall, and Chancellor of the Duchy of Lancaster.*

JAMES Anderton, of Ewkeston [Euxton], in the county of Lancaster, complains that where Elyn, daughter of Makyn Kenyan, was seised in her demesne as of fee of 5 messuages, 60 acres of arable land, 20 acres of meadow, 40 acres of pasture, 60 acres of wood, 5 acres of moss and "marez" [morass], and half a watermill in Helay, in the lordship of Chorley, in the county of Lancaster, and so seised, in her widowhood by her deed gave all the said premises to Christopher Anderton, her younger son, and the heirs of his body, and for default of such issue, to Hugh Anderton, "another younger" son of the said Elyn, and to the heirs of his body, with divers remainders over. The said Christopher Anderton died without issue of his body; after whose decease the said premises descended to the said Hugh Anderton, father of plaintiff, after whose death they came to plaintiff as his son and heir, who by force thereof entered into the same, and was thereof seised in his demesne as of fee-tale. Now so it is, that Peyres Anderton, son of Olyver Anderton, has lately entered the said premises and cut down many trees and underwoods thereupon growing, to the loss of plaintiff of £100 and more, and has done many other injuries to plaintiff at sundry times.

Vol. xxix.
[Calendar 23.]
A. 4.
30 Hen. VIII.
[1538-39.]

Sir Anthony Fitzherbert and Sir John Port, Knights Justices, have often endeavoured to put an end to the above dispute but the said Piers has refused to accept their order, so the said Sir Anthony bade plaintiff, at the Sessions held at Lancaster last summer, to take out a privy seal against him (Piers).

Sundry evidences concerning the premises have come into the hands of defendant who refuses to give them up. Moreover, the said Oliver has received sundry large sums of money from plaintiff for the redemption of his right of and in the premises, but he has dealt craftily with plaintiff.

Prays for privy seal against the said Oliver and Piers.

A. 4. b. The Answer of Oliver Anderton.

The said Ellen never gave the said lands as is surmised by the said James, for she "laboured" the said Oliver, her husband, to give them to the said Christopher, which he always refused.

Afterwards as Nicholas Fox should have served the said Oliver his master with potage his mistress met him in the "Tresaunse"¹ and put powder therein, saying it was spice: then he went up to the table and bade his master beware, whereupon the said Oliver gave the potage to a dog and by and bye he "swelled, and thereupon died." After that defendant drove the said Ellen, his wife, to Heyley. Then she caused Roger Wylkynson and William Plesyngton, on the Tuesday in Whitsun-week, to entice defendant to a place in Horwyge [Horwich], called the Grawle-hurst, and there Christopher Anderton and Hugh, his brother, were ready to murder defendant, their father, "and so they did," at which shameful murder all the country wondered. The said Wylkynson was afterwards taken and put in prison, and for fear he should make open confession the said Ellen sent him a "pasteth"² which was poisoned whereof he died the day before he was to be examined. When the Justices and Lord Stanley heard of the murder and poisoning they made a vow before God that the said

¹ Tresaunte is a passage in a house.

² A pastethe is a perfuming-ball, but probably what is here meant is a pasty.

Ellen should be burnt within 7 days, but she, hearing these words, caused Agnes Hawkeshed, on the Tuesday in the Sessions week, to make her a poset and to put in a powder that her son Hugh had sent her. After she had drunk the poset ale she told her servant to burn the dish, and "or mornying" she was dead. After her death the said Christopher and Hugh caused the said surmised deed to be made in Evexton in a place called Bukshagh.

About 10 or 12 years ago, defendant sold his right in the said lands to Peter Anderton, his son, for a sum of money and that plaintiff knows quite well.

On the 6th April, Alexander Radclyff, Knight, William Leylond, Knight, and Roger Asshow, Commissioners, command the under written persons to appear personally at the Scolles Bank, on the 11th of April, by 9 o'clock in the morning, to declare the truth of the premisses. Lavrens Anderton, Thomas Breres, William Hankeyshede, Oliver Hankysheyde, William Pollarde, Gylbart Breres, Warynges Wooddes, William Mawdysey, William Chernocke, Jhon Parker, Rychard Heyvys, Rychard Sergeant, Jhon Clayton, of Bromecroft, Lawrens Procktor, of Bryndyll. A. 4. c.

The answer of Oliver Anderton.

Defendant says that many years ago he sold for certain sums of money all his lands in Heley, Culchet [Culcheth], and Kenyan [Kenyon], and elsewhere, in the county of Lancaster, to Peter Anderton, his son, as plaintiff well knows. Defendant further says that Thurstan Anderton, his father, "that tyme he shuld marie him" to Marget, daughter of John Asheton, did covenant that he would make to the said Marget 8 marks of lands and tenements, 8 marks in hand, then in the holding of Rolyn Anderton and John Gardener, in the town of Anderton, and 40s. after the decease of Christopher Anderton, his uncle. The said Christopher, fearing that Thurstan, his nephew, should sell the reversion of the lands in Culchet [Culcheth], and Kenyan [Kenyon], to Hugh Gartside, enfeofed thereof the said Oliver and Marget then his wife, and delivered to them livery and seisin, being the residue of the said 8 marks. The said Christopher had the lands A. 4. e.

in Heley for his life, according to an award made by Lord Stanley, and after his death the said Thurstan, his father, entered into the same and there continued during his life. Defendant has often borrowed money of plaintiff, who has tried to make him confess that his deeds were forged, and for the same plaintiff paid him 20 marks in hand and bound himself to pay defendant 44 marks more if he recovered the lands from the said Peter. They gave all the obligations to the Prior of Bushogh [Burscough] for safety, and he was to deliver them to the said plaintiff if he could not recover the said lands. Plaintiff then craftily did "owt lay" defendant, went to Mr. Trafford, then sheriff, got a "capias ad ligatum," and laid him in Lancaster with bail until he (Oliver) had lost his sight and was nearly dead, when plaintiff made him swear to do everything he commanded him. In order to save his life and get out of prison defendant was obliged to do this, whereupon plaintiff commanded him to give up all the obligations, another obligation for 200 marks, and to release all his right to the lands in Heley.

A. 4. f. The answer of Perys Anderton.

A long time before the said Ellen had anything in the premises, Thurstan Anderton and Thomas Trygge were therein seised, and in consideration of a marriage between the said Ellen and Oliver Anderton gave the premises to the said Ellen and Oliver and their heirs. They had issue William Anderton, their eldest son, who had issue Thurstan Anderton. After the death of the said Oliver and Ellen, the said premises descended to the said Thurstan as "cosen" and heir of the said Ellen, and after his (Thurstan's) decease they descended to Oliver Anderton, father of the Piers now defendant, as his son and heir. The said Oliver enfeoffed the said Piers of the premises to the use of him (Piers) and his heirs. The now defendant has in his keeping certain evidences concerning the estate tail made to the said Ellen and Oliver, and the estate made to himself.

A. 4. g. h. The replications of James Anderton.

Says that all the statements made by the said Oliver in his answer are false, and contradicts everything said by the said Piers.

Commission dated 2nd June, 30 Henry VIII. [1538], directed to Sir Alexander Osbaldeston, Knight, Andrew Barton, Esq., Bartholomew Hesketh, Esq., and John Rygmayden, senior, Esq. A. 4. j.

On the 22nd August, 30 Henry VIII. [1538], at Lancaster, the said Commissioners, by writing, command the persons underwritten to appear personally at Chorley, on the Wednesday next after the Exaltation of the Holy Cross, between 9 and 10 in the morning. The right worshipful Master Robert Hesketh, Knight; John Wackenson; William Tarleton; Master William Browne, of Rybleton, Esq.; "Maystris Lore hys wyfe;" Sir James Never, chantry priest at Standyshe; Richard Urmyston, of Lostocke, gentleman; Thomas Breres, of Heyley, in Chorley; William Hawkysheyd of the same; Oliver Hawkysheyde of the same; William Pollart of the same; Gylbert Breers, of Chorley; Waryng Wuddes, of Chorley; James Crompton, of Heley; Oliver Anderton, of Anderton, and to Margaret his wife; James Anderton, of Anderton; Roger Breers, of Chorley; William Mawdisley, of Heypey [Heapey]; William Charnacke; Hugh Burskawe, of Ormyskerke [Ormeskirk]; Nicholas Banester, of Crofton, gentleman; George Longworth, gentleman; William Kelsha, of Orwyth [Horwich]; William Pynkoke; William Colyng; William Hogeson, senior; Edmund Broxup. A. 4. k.

Certificate of the said Commissioners enclosing depositions taken at Chorley, 18th September, 30 Henry VIII. [1538]. A. 4. l.

On behalf of James Anderton.

Richard Urmeston, of Lostok, gentleman, servant to Andrew Barton, Esq., aged 70 years and more, says that Christopher and Hugh Anderton were men of good fame and not guilty of the death of the said Oliver Anderton. Deponent and Willian Anderton were at Lancaster with Master Henreson, Vice-Chancellor there, who asked the said William about a deed he had caused to be enrolled the day before. The said William denied all knowledge of it, whereupon the said Master Henreson asked him if his name was Hugh Anderton, which he also denied. Immediately afterwards they met the said Hugh in the Castle gates at Lancaster, and told him that he had forfeited 200 marks for enrolling

the said deed. He answered that no child of his should lose any right for the sake of 200 marks. Witness heard James Urmeston his father say that he, John Bradshay, gentleman, and others were feoffees made by Thurstan Anderton his deed in all his lands in the county of Lancaster.

Nicholas Banaster, of Crofton, gentleman, aged 80 and more, says that Thomas Hesketh, Esq., lately deceased, had a bargain of Thurstan Anderton, Esq., deceased, of certain lands in Helay said to be of the yearly value of 40s.

William Collyng, of Euxton, tenant to Sir William Moleneux, Knight, aged 80 and more, as above.

William Pynkot, of Euxton, tenant to said Sir William, aged 80 and more; William Hogeson, of Euxton, tenant to the same, aged 60 years and more; Miles Armeridyng, of Euxton, tenant of the same, aged 80 and more; Roger Breris, of Chorley, tenant to Anne, Countess of Derby, aged 60 and more, depose as above.

Hugh Borescogh, of Ormyskyrke [Ormskirk], servant to Peter Stanley, of Bycurstath [Bickerstaffe], Esq., aged 53 and more, says that 9 or 10 years ago, Oliver Anderton, father of Peter Anderton, was "borded" with him in Ormyskyrke [Ormskirk], and desired him to copy a deed concerning lands given by Thurstan Anderton to Lore Tyldisley, "wedo:" which said Lore afterwards married the said Thurstan. And also to copy an indenture made between the said Thurstan and John Assheton, of Banforthland [? Bamfur-long] for the marriage of the said Oliver, his son, and Merget, daughter of the said John Assheton, which copies the said deponent wrote as the said Oliver read to him, and his copies are hereunto annexed. He believes that the said indentures were sealed.

Edmund Broxup, of Euxton, tenant to the said Sir William, aged 50 and more, says that about St. James's day last, at the Church at Chorley, he spoke to William Hawkeshede, of Heylay who had the selling of trees in Heylay, and asked him to buy some trees, who answered that all that were falling were gone, and that he had received for his master Peris Anderton 20 nobles and more this year for trees in Heylay.

Thomas Brerys, of Heylay, tenant to the said Piers Anderton, Esq., aged 60, says that Thomas Hesketh, Esq., deceased, had a bargain of Thurstan Anderton, of certain lands in Heylay of what value he knows not, and that Piers Anderton gave his tenants in Heylay licence to "rydde" woods in their own tenements to make arable lands of, deponent being one of them.

James Anderton, of Anderton, tenant to the said Piers, aged 60 and more, says there is timber "fallen" in Heyley by Piers Anderton, part for his own use and part for others.

Gilbert Breris, of Chorley, tenant to Anne, Countess of Derby, aged 40, says he has "pylled" 60 sapling trees in Heylay which have fallen this year, by the command of his father.

William Hawkesbode, of Heylay, tenant to the said Piers Anderton, aged 40 and more, says he has "rydde"¹ 60 young sapling trees upon his farmhold in Heylay with the licence of his landlord, and had fallyn 100 young sapling trees that were fallen in Heylay wood.

William Charnok, of Chorley, tenant to the said Countess, aged 50, has bought barke of trees of tenants in Heylay to the number of 30 sapling pollis.

Olyver Hawkesbode, tenant to the said Piers, aged 40; William Pollard, tenant to the said Piers, aged 36, as above.

Interrogatories on plaintiff's behalf.

A. 4. m.

Examinations on behalf of Piers Anderton.

A. 4. n.

Sir Henry Faryngton, Knight, aged 60 and more, deposes according to a bill in his own handwriting hereto annexed.

Olyver Breris, of Chorley, priest, aged 60 and more, deposes that he heard Sir Hugh Duckesbure, priest, say that he was present when William Yate was sworn that all things contained in an instrument concerning him (Yate) were true: which instrument is herê brought in by George Astlay, notary of law.

George Astlay, notary of law, has brought in certain depositions taken by him, and under his seal.

¹ Rid = taken away.

John Gelybrunde, of Chorley, gentleman, aged 55, tenant to Anne, Countess of Derby, and Laurence Anderton, tenant to the same, aged 40, says that Richard Breris, of Chorley, declared 3 days before his death that he was with Ellen, wife of Oliver Anderton, in Heylay, when James Anderton, her son, came from Lancaster the Tuesday in the Sessions week, and told her that Lord Stanley said she should be burnt within certain days for causing her own "chylde" and one Wilkinson to murder their father, and also for poisoning the said Wilkinson, whereupon she caused her servant woman Katherine Banke to make her a posset into which she put poison which caused her death. Deponent never new of any estate of any lands given by her to her son Christopher, but has heard that the said estate was made after her death. Witness gave the box containing the poison to Piers Anderton. This confession was made 28th April, 30 Henry VIII. [1538].

Richard Bulhagh, of Anlezargh [Anglezark], tenant to the said Countess, aged 70 and more, has heard that the said Ellen caused her sons, the said Roger Wylkynson and William Plesyngton to murder the said Oliver Anderton in Horwiche, in a place called Gralleyhurst, on the Tuesday in Whitsun week. James Urmeston examined the said Wylkynson in prison, and he confessed the murder, saying that when the said Oliver saw his son Hugh coming he exclaimed that he was a dead man. "It was a Grett punysshement y^t Godde did take for this wylfull murder, Jamys Anderton breke his legge and dyed Incontynent, Thurstan Anderton as he come from Heylay at a stele he fell and brake his nekk, Christopher Anderton as he came from Whityll [Whittle] and shuld leape oppon his hors he died sodanly, Hugh Anderton went starke madd y^t he didd not knowe a man from a woman and died madd." Christopher Anderton had the lands in Heylay for his life according to an award made by Lord Stanley, and not by right; after his decease Thurstan Anderton, his nephew, held the land peaceably all his life, without suit of Hugh Anderton, his uncle, or James, his son, and died thereof seised,

Oliver Haidok, of Heypay [Heapey], tenant to James Standisshe, Esq., aged 92 ; James Shaw, of Revyngton [Rivington], a freeholder, aged 76 ; Thomas Shaw, of Andlezhargh [Anglezark], tenant to the said Countess, aged 70 ; George Hylton, of Adlyngton [Adlington], tenant to Hugh Adlyngton, gentleman, aged 69 ; Henry Blakelegh, of Wheleton [Wheelton], tenant to Sir Richard Hoghton, Knight, aged 67 ; Henry Garstan, of Heypay [Heapey], tenant to the said James Standisshe, of Duckesburye, aged 67 ; Thurstan Whetyll, of Whetyll [Whittle], a freeholder, aged 66 ; David Morres, of Heypay [Heapey], tenant to the said James Standishe, aged 38 ; Robert Leylond, of Whetyll [Whittle], tenant to Richard Boteler, Esq., aged 60 ; Rauf Ball, tenant to the said Richard Hoghton, Knight, and the said James Standisshe, aged 60, depose as above.

Richard Urmeston, of Lostok [Lostock], gentleman, servant to Andrew Barton, Esq., aged 70 and more, says he was 23 years old when Hugh Anderton enrolled a deed at Lancaster, and that the said Ellen was dead "or" he was born.

Interrogatories of James Anderton, and the answers thereto by Oliver Anderton. A. 4. o.

The said Oliver, aged 69, says that about 6 years ago, he sent William Anderton to the said James Anderton, then at Lancaster, to make an agreement about the said lands in Heylay.

Deponent did not ask James to meet him at the Freres, in Lancaster, to talk about the matter.

Witness and the said James soon after met at a place called the Orchard, at Blaynscow [Blainscough], in the parish of Standishe, when witness received of the said James, 4 nobles in part payment upon a bargain and sale of the said lands.

Deponent received no money for the bargains of the lands except by obligations, which "drawith" to the sum of about £43.

Deponent's father, Thurstan Anderton, made feoffees in the said lands, and deponent occupied the same under them in his own right as heir to his father.

Lore, wife of the said Thurstan, has certain lands and tenements in Heylay and elsewhere, the true value whereof he does not know.

Witness has never "misordurt" himself against the said James, or deceived or defrauded him since the agreement.

Deponent says that he cut down, sold, and gave away, trees at his pleasure when the lands were in his own hands : what his son Piers has done therein he knows not. The said James put deponent in prison, and afterwards "laussed" him out. The said James had writings concerning the premises ready to be sealed, but deponent would not seal them.

We, the Commissioners, directed our letters to certain persons to be examined upon the said waste, but one Lawrence Anderton appeared : he confessed that he had "rydde" up saplings, crab-trees, "holyns," and other underwood at the command of Piers Anderton, had marled the same and now got corn upon it. As we had no further proof thereof we appointed to be at Heylay 10th May, and on our way there, in Chorley Church, we examined certain persons who would not tell us anything about the waste. In our viewing we found saplings of this year's falling and certain persons "pyllyng" the bark thereof, one of whom told us that there were fallen this year "a xj skore made trees," and that they paid 3d. for the bark of every made tree. He said that 2 or 3 went to a made tree, or sometimes 6 or 8, or even 10 or 12 by reason of their smallness. Moreover, we saw the "Stawnes or Stubbes" where many trees had fallen and part "rydde by the rotes."

A. 4. p. The deposition of Sir Henry Farrington, Knight.

About 40 years ago, Thurstan Anderton, Esq., and Hugh Anderton, of Exton [Euxton], agreed to abide the award of Sir William Wall, then parson of Eccleston, Roger Bridshaw, and deponent. The said Thurstan alleged that the said Hugh caused a deed to be enrolled at Lancaster contrary to the award made by Lord Stanley, whereupon we commanded him (Hugh) to get the same taken off the records, and also to pay to the said Thurstan £6 13s. 4d. which he then did in Leyland Church.

William Yate, aged 80 years, never knew of any gift made by the said Ellen who lived within a quarter of a mile from him. A. 4. q.

Laurence Whytyll, aged 60 and more, was never present at the making or sealing of any gift by the said Ellen as he was of no lawful age.

Thomas Bolton, aged 60 and more, says that when a child he dwelt with the said Oliver Anderton who put him to Mr. Ratlyff, of the Smythilles [Smithills].

Maud, daughter of Christopher Anderton, aged 60 and more, heard her father say that Heley was purchased land of Lord Lovell by Matthew Kenyan, and that William Kenyan was slain before his father in a field, both on one day, and that he never had Heley.

Elizabeth, daughter of the said Christopher, says that after the death of her father the said Thurstan desired her to fetch his evidences of Heley with others at Bokehay in Exton [Euxton], but she could not have them until Hugh Anderton had taken his pleasure of them: such as they gave her she delivered to the said Thurstan.

Indenture dated 8th April, 18 Edward IV. [1478], made between Thurstan Anderton, Esq. and Sir John Asshton, of Banforland, upon the marriage of Oliver, son and heir apparent of the said Thurstan, and Margaret, daughter of the said Sir John. A. 4. 2. s.

DECREES AND ORDERS, HENRY VIII. BOOK 5. F. 468.

TRINITY TERM 23 HENRY VIII. [1531].

For the matter in variance between James Anderton, plaintiff, and Oliver Anderton and Pers Anderton, defendants, as to the use, title, and possession of certain lands and tenements in Culchethe and Kenyan [Kenyon], in the parish of Wynwyke [Winwick], in the county of Lancaster, forasmuch as upon showing the evidences of the said Oliver and Pers concerning the premises the said evidences be proved by the deposition of Sir James Gorton, Clerk, who wrote them when he was about 10 or 12 years old to be forged: and also forasmuch as it appears as well by exemplification of a deed in tail, as by other evidences, witnesses, and

Inter
Anderton and
Anderton.

proofs, showed by plaintiff, that he (plaintiff) has a better title to the said lands than the defendants: and also forasmuch as the said Oliver being brought up to be examined upon the said forger and other circumstances concerning the premises and after his appearance departed without licence and "cowyn" between him and the said Pers his son: Therefore, it is ordered and considered by the Chancellor that defendants, and all others claiming any interest or title to the premises from or by them, shall clearly avoid the possession of the said lands and tenements in Culcheth and Kenyan [Kenyon], and to suffer the said James, his farmers, and tenants, peaceably to occupy and enjoy the same without interruption of any of them. As to the residue of the premises contained in the bill, the said Chancellor will take further advice of the Justices for the further direction thereof: wherefore for the final order therein, for direction to be taken for the taking of the profits of the premises in Culcheth and Kenyan [Kenyon] by defendants, and also for the costs of plaintiff, the Chancellor has given a day over to the parties till the xv. of St. Michael next coming. And it is ordered that the said Piers shall be bound by obligation in £40 as well for his own appearance on the said day at Westminster as also for the appearance of the said Oliver, his father.

Hilary Term, 23 Henry VIII. [1532].

Recites the order made in Trinity Term last.

Inter
Jac. Anderton
and Oliverū
et Petrū
Anderton.

In the Quindene of Michaelmas last it was ordered that the said Oliver and Piers should pay to James Anderton for his costs, 4 marks sterling.

In this present term of Hilary the matter concerning the said lands and tenements in Hely [Healey] was well heard and debated before the said Chancellor in the presence of Sir Anthony Fitzherbert, Knight, one of the Justices of the "coēn place," and Sir John Port, Knight, at which time divers evidences were shown before them: Whereupon it is now for the premises in Hely [Healey], ordered that both the parties for their remedies therein shall be remitted to the common law, and so, therefore, without any further delay they be dismissed out of this Court.

DECREES AND ORDERS, HENRY VIII. BOOK 7. F. 27.

MICHAELMAS TERM 30 HENRY VIII. [1538].

Inter
Anderton et
Anderton.

For the matter in variance between James Anderton, plaintiff, and Oliver Anderton, and Piers Anderton, his son, defendants, concerning certain lands and tenements in a place called Heyley [Healey], in Chorley, in the county of Lancaster, which sometime were of Makyn Kenyan : Forasmuch as it appears to the Chancellor that the said Makyn had issue William Kenyan, Agnes and Ellen, which Agnes married John Eccleston, and the said Ellen Oliver Anderton. And as it also appeared by a deed of award of partition concerning the lands and inheritance made by John Stanley, Knight, Piers Gerard, and James Strangwys, after the decease of William Kenyan between John Eccleston and Oliver Anderton, whereby it was awarded that Oliver should have *inter alia* all the land of the said Makyn at Heylay [Healey]. The said John Eccleston had other lands awarded to him. It was also awarded that if there were any arrearages of any parcel of the lands that then the parties should, at their own peril, gather all that was behind. And also where it appeared to the Chancellor by an exemplification of the enrollment of a deed that the said Ellen, in her widowhood, by her deed gave to Christopher Anderton, her son, all her lands and tenements in the county of Lancaster, to him and his heirs ; and for default, the remainder thereof to Hugh Anderton, brother of the said Christopher and to his heirs, with divers remainders over. Christopher died without issue, and Hugh is also dead, and the said James Anderton is son and heir of the said Hugh ; and also that the said Piers Anderton showed two several awards made by Thomas, Lord Stanley, one whereof was made between the said Christopher of the one part, and Thurstan Anderton, son of William Anderton, of the other part, wherein mention was made of the tailed deeds of the said Ellen, and the other award was made between the said Thurstan of the one part, and the said Hugh of the other, wherein mention was made of those tailed deeds that Hugh and Christopher had of the grant of the said Ellen. It is, therefore, ordered that the said James shall have to him and his heirs, without interruption of

Oliver and Piers, all the lands and tenements called Heylay [Healey] which were of the said Ellen and before that of Makyn Kenyan, her father, until the defendants show sufficient matter for disproof of plaintiff's title. It is further ordered that if defendants do not in 3 years show such matter that then the said James shall have to him and his heirs from thenceforth all the lands and tenements now in variance without any let of defendants, and that under pain of £100. And plaintiff was content that the farmers and inhabitants of the said lands should occupy the same until the end of 3 years without putting him out, so that they paid their rents to him and should behave to him as tenants and farmers should behave to their landlord.

As for the destruction of the woods and underwoods supposed to be made by defendants since the beginning of plaintiff's suit in this court, the said Chancellor would be further advised therein.

SIR ROBERT NEVILL, KNIGHT AND SIR JOHN NEVILL, KNIGHT,
versus THOMAS, LORD MONTEAGLE, FARMER OF MONASTERY
 OF CONNYSHED [CONISHEAD], *re* CLAIM TO LANDS
 CALLED SWARTHMORE.

To the Right Honorable William, Earl of Southampton.

Vol. xxxi.
 [Calendar 25.]
 N. 1.
 30 Hen. VIII.
 [1538-39.]

ROBERT Nevill and John Nevill, Knights, complain that whereas they were seised of an estate of inheritance of a parcel of land called Swarthmore, not far from the late Monastery of Conyshed [Conishead] suppressed by authority of Parliament, to wit, the freehold thereof to the said John and the inheritance thereof to the said Robert: which land was in the holding of the late Prior when the same was suppressed as tenant at sufferance who yearly paid his rent therefor to John Nevill. After the suppression Thomas, Lord Mountagill, farmer of the Monastery with all the demesnes thereof, kept the possession of the parcel of land contrary to law and will not suffer plaintiffs to occupy the same.

Prays for a commission to enquire into the truth of the matter.

N. 1. a.

Commission dated 6th July, 30 Henry VIII. [1538], directed to Sir Thomas Halsall, Knight, steward of the King's suppressed lands of the late Priory of Conyshed [Conishead], Thomas Burgoyn, Esq., auditor, and Thomas Dawtrey, Esq., receiver of the suppressed lands.

Interrogatories on behalf of plaintiff.

N. 1. b.

Depositions taken 24th September, 30 Henry VIII. [1538], on behalf of Sir Robert Nevell, Knight.

N. 1. c.

Robert Pereson, of Penyngton [Pennington], in Furness, in the county of Lancaster, husbandman, aged 55 and more, says there is a ground called Swartmore, lying within the parish of Ulverston, whereof 1 parcel "longyth" to the house of Conyshed [Conishead] being parcel of the demesne thereof; and the rest thereof belongs partly to the Barony of Ulverston, partly to Sir Robert Nevell, partly to Mr. Penynton, and partly to the Marquis of Dorset, and lies to common pasture. The late Prior of Conyshed [Conishead] kept a "flok of Owes" [Ewes] upon the parcel of demesnes called Swartmore belonging to the said Priory, and upon that parcel belonging to Sir Robert Nevell by Staffherd¹ Holde, and paid yearly to the said Sir Robert 10s. rent for his portion of Swartmore, but how far Master Nevell's part goes deponent knows not.

John Greves, of Penyngton [Pennington], tenant to Master Penyngton, husbandman, aged 60 and more, says that the Prior's part of Swartmore and that of Sir Robert Nevell have been kept by the said Prior and occupied by him with a flock of "Owes" [Ewes] by Stafford's hold, alias herde Staff. All other parts of Swartmore have been used in common by the borderers adjoining thereupon. Master Nevell's part begins at a stone next Conyshed ground called Swartmore on the east, and so goes westward to the highway leading from Ursewyke [Urswick] to Ulverston Mosse, otherwise called Plompton Mosse, and so following the said highway northward to the house of Edward Petye of the said ground.

Robert Troughton, of Osmotherlowe [Osmotherley], husbandman, aged 60 years and more, as above.

¹ Staff-hird is to have sheep under care of a shepherd.

N. i. d. On the part of the King.

William Bardesey, of Bardesey, in the county of Lancaster, Esq., says that the ground of Swartmore begins at Tynney noke at the end of Trynlell on the east, and so going northward by the way that goes to Ulverston, leaving Conyshed field and the said way upon the east, and so leading to the lane end upon Swartmore going to Ulverston upon the north. The King and the Marquis of Dorset are chief lords of Swartmore as parcel of the Barony of Ulverston. The ground of the east part of the way aforesaid is of the possession and inheritance of the original gift of William of Lancaster to the predecessors of the late Priory of Conyshed [Conishead] to a place called the White Rafe (?). The Prior has had common of pasture in Swartmore as other freeholders and burgesses of Ulverston have had. The Barons of Ulverston alone are lords of Swartmore, as appears by the 3 partitions of Ulverston remaining among the King's records. The said Robert Nevell has divers lands and tenements adjoining Swartmore, but what they are called witness knows not.

Thomas Pereson, of Bardesey, husbandman, aged 66 and more, says that the Prior of Conyshed [Conishead] paid to the said Sir Robert 10s. for a parcel of ground lying next the said demesne ground of Conyshed [Conishead]. About 50 years ago, old Sir John Nevell, great grandfather of the said Sir Robert, came to Conyshed [Conishead] when Sir Roger Godson was Prior there, and by agreement caused 3 furrows to be drawn between them with a plough for a "mere" between their grounds. Deponent was called to witness the same. The said Prior kept a flock of Ewes upon his and Master Nevell's ground by Staffherd.

Jenkyn Mount, of Swartmore, husbandman, aged 60 and more, has kept a flock of steres of the said Prior's upon the said ground.

N. i. e. George, sometime Prior of Conyngshede [Conishead], testifies that he and his predecessors have had to farm time out of mind a pasture called Swartmore of Sir John Nevell and his ancestors at their pleasure and goodwill, neither by lease or tenant-right, and paid 10s. yearly therefor.

by me, George Cornforthe.

William Rowlynson having written to me saying that I should certify you upon certain articles concerning Swarthmore, I say that I never heard of any evidence relating to the farmhold of Swarthmore, except the Priors of Conished had it in farming, paying therefore yearly 10s. to the heirs of Nevill. Further where it is alleged that the said Priors neither did any service nor caused any to be done like other tenants, I say that Robert Pereson, tenant of the house of Conished was ready with horse and harness to go with Sir John Nevell, of Chete, into France when Tourney and Turwen were won: they afterwards went to the Scottish field. I never saw any lease or writing for the said ground, which was only occupied by custom, we kept it with a "hyrde" as a several pasture for our sheep.

by me, Thomas Lord, Clerk.

DECREES AND ORDERS, HENRY VIII. BOOK 7. F. 42^b.

EASTER, 31 HENRY VIII. [1540].

Forasmuch as at the humble suit, by bill of petition exhibited to the Chancellor by Sir Robert Nevill, Knight, to have a Commission to enquire whether the King's farmers of the late Monastery of Conyshed [Conishead] had entered into a parcel of land lying upon a ground called Swartmor, containing 30 acres of pasture, near adjoining the demesnes of the said late Monastery, and whether the late Prior had the same in occupation as tenant at sufferance of the said Sir Robert at the suppression of the Monastery: Whereupon a Commission was directed to Thomas Burgoyne, the King's auditor, and others to examine the right and title to the premises. It was deposed by witnesses that the late Prior and his predecessors for a long time had occupied the said parcel of ground as farmers at will to the said Sir Robert and his ancestors, paying yearly for the same 10s. The said Sir Robert showed divers pieces of evidence, rentals, and an office proving the title of the same to be the inheritance of his ancestors, and so lineally to descend to him. Whereupon it is ordered by the Chancellor that the said Thomas Bourgyn at his next coming into Lancashire shall assign to the said Sir Robert the said parcel

of ground, if it be the same ground that was let to farm by his ancestors to the predecessors of the said Prior, according to the bounds specified in the evidences there showed, and to occupy the same at his pleasure according to his said title without any further trouble in that behalf.

JOHN HOME AND ADAM CHALNER *versus* SIR THOMAS COKE,
CHAPLAIN, AND OTHERS *re* AN ASSAULT AT WYNWYK.

To the Right Hon. Sir William Fitzwilliam, Knight.

Vol. x.
[Calendar 8.]
II. 4.
28 Hen. VIII.
[1536-37.]

JOHN Home and Adam Chalnor complain that whereas they, about the 20th day of December, 28 Henry VIII. [1536], were at Wynwyk, attending to their lawful and "nedy" business until about 4 or 5 o'clock in the afternoon, and then quietly departed from the said town intending to repair to their lodgings, there came Sir Thomas Coke, chaplain, George Kenyan, labourer, William Hawthton, labourer, Thomas Madder, and divers other evil disposed persons, in manner of war, to wit, with "jakkes, sallettes, bowes, arrowes, billes, staves, swerdes," and other weapons, "invasive and defensive," at Wynwyk, and then and there assaulted plaintiffs, shot arrows at them and beat and wounded them, so that they were not able to help themselves for a long time afterwards, to their utter undoing.

Prays for writ of Privy Seal to be directed to the said Sir Thomas Coke and others.

Hilary term 28 Henry VIII.

Privy Seal to Sir Thomas Coke and others to appear in the "*Moise*" of Easter next coming.

JOHN LAMBART *versus* ANTHONY WATSON *re* CLAIM OF DEBT,
OR ESCAPE OF AN OUTLAW FROM CLITHEROE GAOL

To the Right Hon. Sir William Fitzwilliam, Knight.

JOHN Lambert complains that where one William Dene, late of Tunwath, in the county of Lancaster, is indebted to plaintiff in the sum of 100 marks upon an obligation by the said William for the performance of certain covenants by him broken, for payment whereof plaintiff has commenced an action against the said Dene at the common law, proces being continued therein until the said Wililam Dene was outlawed. He was then placed in the Gaol at Clitherowe and kept there until Antony Watson, by unlawful means, procured his release. Afterwards it was agreed that plaintiff should be paid £13 6s. 8d. by the said Anthony at certain days appointed, but he now refuses to pay him anything.

Vol. x.
[Calendar 8.]
L. 1.
28 Hen. VIII.
[1536-37.]

By me, John Lambart.

Trinity Term, 28 Henry VIII. [1536].

Anthony Watson to answer in this "tres" of Michaelmas.

HENRY RUSHETON *versus* ROGER RUSHETON *re* DISTURBANCE OF
DIVINE SERVICE, DILAPIDATION AND INTERRUPTION OF WAY
AT DUNKENHAWGHE BRIDGE AND CHURCHKYRK.

To the Right Hon. Sir William Fitzwilliam, Knight.

HENRY Rusheton, of Dunkenhawighe [Dunkenhaugh], in the county of Lancaster, gentleman, complains that where he and all his ancestors, being owners of the manor of Dunkenhawghe, have been accustomed to have a "Settyll or Settyng place in the Church of Churchkyrk, in the said county, and also 2 desks otherwise called 'Quyers'" to "sett yn and Rest to at such time as the devyne service ar yn sayeng or mynstryng yn the sayd church:" and whereas also for the like time there has been a bridge in Dunkynhawghe, called Dunkenhawgh bridge, used for the common passage of the King's subjects, which is the right way for the said Henry to go the said Church: yet Roger

Vol. x.
[Calendar 8.]
R. 2.
28 Hen. VIII.
[1536-37.]

Rushton, of Pontawghe [Pontalghe], in the said county, gentleman, "nothyng dreddyng God ne feryng the daunger of the beeche of the lawes of thys Realme," about Passion Sunday last, gathered together 20 riotous persons, forcibly entered the said Church and then and there tore up, broke, carried away and burned the said desks or "quyars," and also assigned 8 persons with bows and arrows to lie in wait in 4 highways leading to the said Church in order to prevent people from going there in the way they were accustomed to do.

Moreover, the said Roger with 6 other persons "havyng ther facys coloured wyth blake," about the 2nd day of April, 27 Henry VIII. [1536], cut down the said bridge of Dunkenhawghe, carried away part thereof, and threw the other part into the water.

Then on the 7th of April, in the same year, the said Roger with more than 30 persons having their faces "blakked" lay in wait to prevent plaintiff from attending the said Church, and with intent to evilly entreat him so that he goes in danger of his life.

Prays for writ of Privy Seal.

Trinity term, 28 Henry VIII. [1536].

A Privy Seal to Roger Russheton to appear tres^e of Michaelmas next.

NICHOLAS RUSHETON *versus* ROGER RUSHETON *re* ASSAULT,
DILAPIDATION AND SACRILEGE AT CHURCH, DUNKYN-
HAWGHE BRIDGE, AND ACCRINGTON.

To the Right Hon. Sir William Fitzwilliam, Knight.

Vol. x.
[Calendar 8.]
R. 3.
28 Hen. VIII.
[1536-37.]

NICHOLAS Russheton, of Acryngton, in the county of Lancaster, complains that where he dwelling in Acryngton, aforesaid, and holding in farm the tithes and oblations of the parish Church of Church, with all other profits to the said Church belonging, of the grant of John, Abbot of Whalley, and his convent, he paying to the said Abbot a certain yearly farm between them agreed upon, has always hitherto taken the oblations and offerings of the said Church until now of late that one Roger Russheton, of Pontawghe [Pontalghe], in the said county, of his

malicious mind, about Candlemas last past, came to the said Church with 3 other persons, to plaintiff unknown, and there with force and arms, to wit, with "pynsons, hammers, axes, daggers, and knyves violently did breke the Tabernacles of the Images" of the Blessed Virgin Mary and St. Oswald, and took away "suchemony and other sylver as to the said Images was offryd and upon the said Images fasteynd," that is to say, 10d. upon the image of Our Lady, and 6d. on the image of St. Oswald. Besides that, about the beginning of Lent then next following, the said Roger with about 16 other persons came to the said Church in the night and carried away all such "setys and setylls" as plaintiff and other the King's tenants of Acryngton were "accustomably vsid to sitt yn," and burned the same in a place adjoining the churchyard.

Furthermore, the said Roger being bound by recognisance to keep the King's peace maliciously intending to slay plaintiff about "shroftyd" [Shrovetide] last, lay "in wayte" for your orator, with 2 others, in the highway between the house of Dunkyn Hawghe and the said Church, and as plaintiff came "solely" along, the said Roger with bows and arrows, assaulted, beat and wounded him; he also shot at plaintiff and "strake" him in the right shoulder, putting him in danger of his life. And upon Passion Sunday last the said Roger with more than 60 confederates arrayed in warlike manner, having their faces "blakkyd with Coles" and being otherwise disguised, assembled in the highways and woods between the houses of plaintiff and others the King's tenants of Acryngton in order to prevent plaintiff and others from coming to the said Church. Plaintiff's wife and other inhabitants of the said town being in the said Church where divine service was being celebrated, the said Roger, with violence, took away the chalice and vestments thereto belonging and carried them out of the said Church, and would not suffer mass to be said at all that day.

Prays for writ of commandment to be directed to the said Roger.

Easter term, 28 Henry VIII.

A Privy Seal to Roger Russheton to appear . . .

WILLIAM HULTON *versus* SIR THOMAS LONGTON, KNIGHT,
SHERIFF, *re* DETENTION OF KNIGHT'S FEE OF
10 MARKS.

*To the Right Hon. Sir William Fitzwilliam, Knight, Lord
Admiral, and Chancellor of the Duchy of Lancaster.*

Vol. x.
[Calendar 8.]
H. 3.
28 Hen. VIII.
[1536-37].

WILLIAM Hulton complains that whereas he amongst others was seised for his fine "for to be discharged" of the order of knighthood to pay to the use of the King 10 marks sterling, whereupon Sir Thomas Longton, Knight, then sheriff of the county of Lancashire, came to plaintiff and demanded the said 10 marks, which plaintiff accordingly paid, the said Sir Thomas faithfully promising to discharge plaintiff of the same, but instead of paying it to the King's use the said Sir Thomas kept it himself, whereupon plaintiff was commanded by letters of Privy Seal to appear personally at London to answer for his said fine, and was thereupon compelled to pay to John Gostewyk, Esq., one of his Majesty's Treasurers the said sum of 10 marks and 6s. 8d. for the said letters, besides his costs and expenses which amounted to £5 and more.

The said Sir Thomas Longton refuses to repay the said money, and, as he is of great power, friendship, and alliance in the said county, plaintiff is unable to recover the same.

Prays for letters of Privy Seal.

Hilary term, 28 Henry VIII. [1537].

A Privy Seal to Sir Thomas Longton, Knight, to appear "tres" of Easter next.

JOHN GREREHALGH, THE KING'S BAILIFF, *versus* ADAM RAUSTON
AND OTHERS *re* RESCUE OF GOODS AND CHATTELS OF A
FELON IN TOTYNGTON LORDSHIP, BURY.

To the Right Hon. Sir William Fitzwilliam, Knight.

Vol. x.
[Calendar 8.]
G. 2.
28 Hen. VIII.
[1536-37].

JOHN Grenehalgh, Esq. complains that whereas he is bailiff in fee to the King of his manor and lordship of Totyngton, in the county of Lancaster, by reason whereof he is charged to the King of all manner of forfeitures, issues, fines, and amercements to

be levied to his Majesty's use within the said lordship and to make a true account thereof to the King's auditor: Now so it is, that plaintiff at his last account was charged by Thomas Burgan, his Majesty's auditor, in the sum of £30 os. 4d., and stands bound in his "escript obligatorye" in a larger sum for the payment thereof: which said sum of £30 os. 4d. should be levied of the goods of Adam Rauston, of Lumme, in the county of Lancaster, gentleman, "whiche" was indicted before the coroner for killing Adam Haworthe in self-defence about the 15th day of May, 27 Henry VIII. [1535]. Plaintiff intended to have levied the said sum of £30 os. 4d. of the goods of the said Adam about the 15th day of May last past, but the said Adam, with others, made "rescous" upon plaintiff and his servants, threatening to beat them, so that plaintiff was unable to make the levy. At the last court held within the lordship of Totyngton it was presented before Sir Richard Tempest, Knight, the King's steward, that James Holte, of Bury, in the county of Lancaster, "made affray" there, and was fined 5s. for which plaintiff was likewise bound. About the 12th day of May last, intending to gather the King's money, distrained the goods of the said James Holte, who in a most violent manner took them back again.

Prays for letters of Privy Seal.

Trinity term, 28 Henry VIII. [1536].

A Privy Seal against Adam Rauston and James Holt to appear in the quindene of Michaelmas next.

HENRY SHAW *versus* CHRISTOPHER BLAKEY *re* BREACH OF
MARRIAGE ARTICLES FOR SETTLEMENT OF LANDS AT
HIGHMELL MANOR, COLNE.

To the Right Hon. Sir William Fitzwilliams.

HENRY Shaw, of Collne [Colne], in the county of Lancaster, yeoman, complains that forasmuch as there was a solemnization of marriage between Margaret, plaintiff's daughter, and Lawrence Blaykey, son of Christopher Blakey, about the feast of St.

Vol. x.
[Calendar 8.]
S. 1.
28 Hen. VIII.
[1536-37].

Martin, 26 Henry VIII. [1534], the said Christopher then dwelling at the manor of Hyghmell, otherwise called the Hall Moyte of Highmell, for which marriage there were divers agreements made between the Christopher and your orator, as well payments of sums of money to the amount of 20 marks by plaintiff as sundry agreements on the part of the said Christopher, one whereof was that as the said Christopher is possessed, of the demise of the Churchwardens of the Church of Colne, of a certain farmhold of the yearly value of 40s., or thereabouts, lying with the said manor of Hyghmell, otherwise called the Hallmote, in his demesne as of freehold, with remainder to such of his children as he should appoint, for life : and the said Christopher having divers children promised that he would assign the said remainder to the said Lawrence immediately after the said marriage, by his writing sufficiently sealed : now he refuses to do this, and plaintiff, having no writing or indenture to compel him to keep his promise, is without remedy at the common law.

Prays for letters of Privy Seal.

Easter term, 28 Henry VIII. [1537].

Privy Seal to Christopher Blakey to appear "cr. Johis prox."

NICHOLAS TOWNLEY, ADMINISTRATOR *versus* SIR THOMAS
LANGTON, KNIGHT *re* TORTIOUS POSSESSION OF GOODS
AND CHATTELS IN BREACH OF AWARD.
WIGAN PARSONAGE.

To the Right Hon. Sir William Fitzwilliams.

Vol. x.
[Calendar 8.]
T. 2.
28 Hen. VIII.
[1536-37].

NICHOLAS Townley, of Gray's Inn, complains that forasmuch as Nicholas Townley, Clerk, late parson of Wygan, in the county of Lancaster, died at Hampton Court, the 20th day of November, 23rd Henry VIII. [1531], to whom plaintiff was administrator, and a controversy having arisen between plaintiff and Sir Thomas Langton, Knight, as well for sundry riots, as for that the said Sir Thomas had taken from your orator certain corn and hay remaining at the parsonage of Wygan, amounting to £24, and

had also received £51 of rent due to plaintiff remaining in the hands of divers gentlemen within the said parish of Wygan for their tithes, and had kept from plaintiff £23 6s. 8d. for which he (Sir Thomas) was bound by 2 several obligations to the said Nicholas Towneley: all of which was due to plaintiff as administrator.

These matters so depending in the Court of Duchy Chamber, one Robert Wroith, Attorney of the said Duchy, with the consent and agreement of the said Sir Thomas Langton and plaintiff who submitted themselves to his arbitrament on the 16th day of December, 26 Henry VIII. [1534], by his writing indented awarded that the said Sir Thomas should pay to plaintiff in full satisfaction of all the above suits the sum of £40 sterling, to be paid in three several sums of 20 marks upon the "ffount in Paules," for the performance whereof both plaintiff and the said Sir Thomas were bound in the sum of £100.

At the feast of the Purification of the Blessed Mary then next following, the said Sir Thomas paid to your orator 20 marks. Then in Easter term next following it pleased God to call the said Master Wroth to His mercy, after whose death the said Sir Thomas refused to pay any more of the said £40, to plaintiff's great loss.

Prays for letters of Privy Seal.

Trinity term, 28 Henry VIII. [1536].

Privy Seal against Sir Thomas Langton to appear "tres" Michaelmas next.

THOMAS CHETHAM AND EDMUND *versus* GEFFREY BOWKER AND
OTHERS *re* TYTHE CORN AT MANCHESTER, MOSTON, AND
BLAKKELEY.

Vol. x.
[Calendar 8.]
C. 4.
29 Hen. VIII.
[1537-38.]

*To the Right Hon. William, Earl of Hampton, and Chancellor
of the Duchy of Lancaster.*

THOMAS Chetham, of Nuthurste,¹ in the county of Lancaster, gentleman, and Edmond Chatterton, of the same, gentleman, complain that where one George Colyer, Warden of the College of Our Blessed Lady of Manchester, in the county of Lancaster, was seised of the parsonage of the Parish Church of Manchester, as parson "in persone" by reason that the said parsonage was "impropried" to the said College, within which parish of Manchester there be divers hamlets and villages: and so being seised, the said Warden, by his deed indented dated 24th May, 29 Henry VIII. [1537], demised the tithe corn growing within the hamlet of Moston and Blakkeley [Blackley] fields, within the said parish, for the term of 3 years commencing on the said 24th day of May, and so from 3 years to 3 years during the life of the said George Colyer, they paying, therefore, yearly to the said Warden £6: When the said tithe corn of Moston and Blakkeley fields was "severed from the Nyeth part," to wit, on the 10th day of September, there came Geffrey Bowker, of Moston, tailor, Peyrs Bowker, of the same, tailor, Richard Shakkerlokke, husbandman, Richard Soundyforth, husbandman, Richard Leche, husbandman, William Sydall, husbandman, John Soundyforth, husbandman, William Holland, husbandman, and Thomas Worsencrofte, husbandman, all of the same place, and then and there riotously and forcibly took from plaintiff the said tithe corn of Moston to the value of £10, which they still withhold against all equity and good conscience. Prays for Letters of Privy Seal to be directed to all the said riotous persons commanding them to appear.

"Termio s̄ci Mich̄is a^o 11 H. viij. xxix. [1537].

H^opon a privy seal to Geffrey Bowker, &c., to apper viij. Pur. prox."

¹ This Thomas Cheetham is not mentioned in Dugdale's Pedigrees of 1664-5.

WILLIAM COWPER *versus* RICHARD MOLYNEUX AND OTHERS *re*
 TITLE TO WRECKS OF THE SEA, RENTS, AND DUES AT PEN-
 WORTHAM, EWEXSTON [EUXTON], LEYLANDE, NEWTON,
 AND KIRKDALE.

"The answers of Richarde Molyneux, Esquyer, Jamys Ander-
 ton, Olyver Sheroke, Thomas Wright, John Hodson the
 younger, and Peirs Worthington, to the bill of infourmacon
 of William Cowper."

THE said defendants by protestation not knowing whether the
 said William Cowper be the King's "Baly" of the manor
 and lordship of Penwortham, in the county of Lancaster, nor
 whether he was charged with any chief rent, issues, pains, and
 amerciements as in the said information is submitted, say that the
 said information in the 1st and 2nd article is not certain in the
 law to be answered unto, without that that the said John Holdson,
 the elder, Oliver Sheroke, and Thomas Wright by the command-
 ment of Sir William Molyneux, Knight, and the said Richard
 Molyneux riotously and with force took from the said bailiff the
 goods and chattels which he had distrained.

Vol. x.
 [Calendar 8.]
 C. 7.
 29 Hen. VIII.
 [1537-38].

To the 3rd article defendants say that it is insufficient in the
 law, without that that the said Seroke, accompanied by Sir Thomas
 Sheroke and Sir John Pyncok, priests, Peyrs Worthington and
 William Roxon riotously did rescue the distresses mentioned in
 the said article from the said bailiff and Giles Lever.

To the 4th article they say that on the feast of the Conception
 of Our Lady last past, between matins and mass, when the "most
 part" of Ewexton [Euxton] were at the Chapel of Ewexton hear-
 ing divine service, the said James Anderton being away from the
 said town, the said William Cowper, accompanied by William
 Clayton, George Woodcoke, Richard Gilis, Edward Wilson and
 Thurstan Sumner, each of them with a long staff in his hands,
 came to the house of the said James Anderton, in Ewexton, and
 asked for him. As he was away and his wife at chapel "by cause

of highnes" of the same day, they said to Hugh Hodson, his servant, that they would have a distress, and they then unbarred the door of a house wherein the kine of the said James Anderton were kept and took away 2 of them.

At the same time the said Cowper and his companions distrained 2 kine of the said Sheroke at Eweston [Euxton], he being at divine service, whereupon, James Mel . . sley, his servant, went to the Chapel and told him what had happened. The said Sheroke at once went to the servants of the said Sir Henry Faryngton and asked them for his kine. The said Cowper then told him that if he would bring a dozen men with him he should have them, but not otherwise. Soon afterwards, Thurstan Sumner struck the said cattle, and another of the company drove them through pits and ditches "that it was pite to see." Without that that the said bailiff, perceiving that his life was in danger, asked for assistance from Sir Henry Faryngton, or that the said Anderton and Oliver accompanied by Sir John Pyncok, priest, John Mody, Nicholas Merley, Edmund Broxpe, John Merley, Elles Chetham, Hugh Hodson, junior, Thomas Halsall, James Rynnyngton, Rauffe Knoll, Thomas Chetham, Hugh Hodson, the elder, James Merley, Christopher Whytnell, Thurstan Pyncok, Robert Sandcokes, William Hodson, the younger, Hugh Anderton, Peyrs Worthyngton, Laurence Rynnyngton, John Sherok, William Pyncok, Gilbert Wayryng, *Hodson* [sic], William Pyncok, the younger, Rychard Sheroke, senior, Rauffe Collynges, Laurence Armaridyng, John Wryght, Laurence Robynson, Knight, *Asmall* [sic], Hugh Hodson, William Crycheley, Thomas Hodson, Rauffe Chrychlawe, William Collynges, and many others unknown, riotously pursued the said bailiff and other the servants of the said Sir Henry with great "noyse and shote," and with force rescued the said distresses, or that they followed them to the township of Laylande, or sent divers persons to "fforsett them there usuall ways home ward so that by lykelyhed they should not eschape without strokes," or that the said bailiff and his company were pursued by Edmund Broxpe, William Hodson, the younger, and others to the said places called Bochaw and Wardyn [Worden].

5. To the 5th article the said Richard Molyneux says it is untrue, without that that the said Hather, Gorshed, and others were unlawfully retained with the said Sir William Molyneux, or that they will not pay the King's chief rent and other fines, or will not appear at the King's Leet of Penwortham, or that they said to the said bailiff that they were commanded to use him as a knave and that if he were so busy he should have his head broken.

6. The said Sir William Molyneux has not prevented his tenants and other the inhabitants dwelling within the township of Newton from paying the chief rents.

7. There was no such wreck as is surmised, without that that 11 "hoggis heedes" of wine were cast up as wreck within Kyrddall [Cuerdale] parcel of the King's manor and fee of Penwortham, or that any such wreck was arrested to the King's use, or that the said Sir William Molyneux sent Laurence Irelande with Fulshurst and others, to the number of 40, with wains, carts, and other carriages to Kirkdale, and there broke into the house of Richard Remor and Laurence Ball, or with force carried the said hogsheads of wine to the dwelling house of the said Sir William at Sefton, or that the said Sir William told the said bailiff that he had accounted to the King's auditor for the same, or that the King had lost by the same £18 6s. 8d.

JAMES NEWBYE *versus* EDWARD ROBYNSON AND OTHERS *re*
FORCIBLE ENTRY AND TORTIOUS POSSESSION OF A
CORN MILL CALLED BAKBARAYFELL, IN KERTMELL
[CARTMELL] LORDSHIP.

To the Right Hon. Sir William Fitzwilliam, Knight.

JAMES Newbye complains in most lamentable wise that where he was peaceably possessed of a corn mill called Bakbaray, set within the lordship of Kertmell [Cartmell], in the county of Lancaster, after the custom there called tenant-right, and for the same has well and truly paid rent, gressom, fines, and other duties : but now so it is, that Edward Robynson, of Staneley, in the said

Vol. x.
[Calendar 8.]
N. 1.
29 Hen. VIII.
[1537-38.]

county, Thomas Kylmer, Hugh Herryson, and Robert Herryson, all of the same place, on the 5th day of February, 28 Henry VIII. [1537], in forcible manner entered into the said mill and turned plaintiff out of the same, and kept possession thereof for 7 weeks, to plaintiff's utter "Impovyssherynge."

Prays for writ of Privy Seal.

Trinity term, 29 Henry VIII. [1537].

Privy Seal to Edward Robinson and others to appear 8th of March next.

WILLIAM GRUFFYTH *versus* SIR WILLIAM NORRES, KNIGHT,
AND OTHERS *re* TITLE TO LANDS CALLED MOSSE GRAUNGES,
IN CHILDWALL.

To the Right Hon. Sir William Fitzwilliam, Knight.

Vol. x.
[Calendar 8.]
G. 4.
29 Hen. VIII.

WILLIAM Gruffyth, son and heir of Robert Gruffyth, late of Wavertree, in the county of Lancaster, deceased, complains that whereas Thomas Crue, Clerk, Master of the Hospital of St. John the Baptist, without the north gate of the City of Chester, and the brethren and sisters of the same, by their deed dated 16th January, 14 Henry VIII. [1523], demised to Alice, late the wife of David ap Gruffyth, and to the said Robert, plaintiff's father, certain fields or closes of land called the Mosse graungez, lying within the parish of Childwall, in the same county, to hold from the feast of St. Martin in winter last past for 77 years, yielding yearly for the same to the said Master 33s. 4d., by reason whereof they enjoyed the said premises and took the profits thereof for about 4 years. After the death of the said Alice, the said Robert possessed the said premises for about 5 years. Plaintiff has the estate and interest of the said Robert and has peaceably occupied the said premises until the 5th day of May last when Sir William Norris, Knight, Robert Norris, gentleman, Henry Norris, gentleman, William Caterall, Richard Halywall, chaplain, Robert Caterall, Henry Tokstrith, James Pendilton, John Mersor, and Roger Mylner, in manner most like rebellious persons, being armed in warlike manner, with long staves, swords,

bucklers, and short daggers, not only turned plaintiff out of the said premises, but still withhold the same from him. And "over this goode lorde" the said Sir William commanded divers of the said riotous persons to "murther and sley" plaintiff if he should be found upon any part of his said possessions, so that he dare not come into the said county to sue for remedy. Furthermore, plaintiff, from his extreme poverty, is not able to attempt the common law for the recovery of the premises, so that he will very likely lose his estate unless remedy be provided.

Prays for Privy Seal.

Trinity term, 29 Henry VIII. [1537].

A Privy Seal to Sir William Norris, Knight, and John Mercer to appear 15th Michaelmas next.

The answer of Sir William Norres to the bill of complaint of William Gryffyth. G. 4. a.

Sir William says he did not turn plaintiff out of the said premises.

Before the said bill was exhibited Robert Johns, Master of the Hospital of St. John, and the brethren there, were seised in their demesne as of fee of the said fields or closes, which by deed dated 29 Henry VIII. [1537-38] they demised to defendant to hold for many years yet to come, he paying yearly for the same 23s.4d. If the the said William Gruffith had any such lease defendant thought it was of no avail, because the said William was indicted before the coroner of Lancashire for killing or drowning his own wife. The said Robert Johns informed defendant that he had obtained from the King Gruffith's lease in the premises, wherefore defendant prays that the said Robert may be compelled to answer for the lease made to defendant.

The said indictment is certified before the Justices of Assize and Gaol Delivery at Lancaster, and the said William Gruffyth is mainprised¹ to appear before them at the Assizes to be held in Lent next coming.

¹ Mainprize is the receiving a man into friendly custody who otherwise might be sent to prison.

G. 4. b.

The answer of Sir William Norres, Knight.

Defendant says that as to the occupation of the said premises, it is matter determinable at the common law within the county Palatyne at Lancaster, and not in this court.

ADAM RIGBY *versus* JAMES LONGTRE AND OTHERS *re* ASSAULT
AT STANDISH HALL.

To the Right Hon. the Lord Admiral, Treasurer of the King's most honourable Household and Chancellor of the Duchy of Lancaster.

Vol. x.
[Calendar 8.]
R. 6.
29 Hen. VIII.
[1537-38].

"IN his most humble wise complaineth," Adam Rigby, of Standish, in the county of Lancaster, that where he on the 3rd day of April last [1537], came from the Hall of Standishe, which is his master's house, "at after soper," going homewards to his own house in "godde's peax and the Kynge's, thynkyng evill to no person:" so it was, that James Longtre, gentleman, Roger Longtre, gentleman, Rauff Bradshagh, of Longtre, William Haliwall and other "mysdemeaned" persons, to the number of 10 or 12, of "a prepensed malice" by the commandment of John Longtre, Esq., lay in wait for plaintiff in a certain close near adjoining the said Hall, called the High Field, in 3 several companies, to the intent that plaintiff should not escape. He, knowing nothing of all this, came to the place where the said James Longtre and Rauff Bradshagh lay among "firrez and gorsez," who sprang upon him suddenly, intending to murder him. "For the mor Suerty that yor said Orator shuld not over go theym they kest their Jakettes and Shoez wechch shalbe redy to be shewed," and then with a sword and staff they "stroke" plaintiff to the ground, of which strokes he had 2 grievous wounds, and then fell upon him with a dagger and wounded him in the neck and arms. Fortunately 2 servants of Master Rauf Standish, plaintiff's master, going towards the town of Standish, heard a great noise and came running to plaintiff's rescue, otherwise he most certainly would have been murdered. As it was, he lay in peril of death for one month on account of the said strokes, to his utter undoing.

Prays for letter of Privy Seal.

Trinity term, 29 Henry VIII. [1537].

A Privy Seal to James Longtre, etc., to appear in the quindene of Michaelmas next.

The answer of John Longtre and William Halywall to the bill of Adam Rigbye. R. 6. a.

As to any riot, offence, trespass or other misdemeanor supposed to be committed by them, defendants say they are in nowise guilty thereof.

The replication of Adam Rygby. R. 6. b.

Prays that the said John Longtre and William Halywall may make to him sufficient recompense for his hurts and injuries.

THOMAS WALKER *versus* WILLIAM WALKER *re* CLAIM OF DEBT
FOR IRISH SILKS AND GOODS SOLD AT LYVERPOLE.

To the Right Hon. Sir William Fitzwilliam, Knight.

“IN his most umble wise complanethe,” Thomas Walker, of Lyverpole, in the county of Lancaster, merchant, that whereas he was vexed with divers “infirmities and diseases” and was unable to “labour abroad” for his profit, about Michaelmas, 28 Henry VIII. [1536], being without a servant, with the consent of William Walker, of the said town, merchant, caused to be delivered to William Raynshaye, now deceased, servant to the said William Walker, in Drodathe, in Ireland, 12 pounds of London silks, otherwise called Irish silks, and 12 “pieces of kerseys” of the colours of white, green, and blue, each piece containing 18 yards in length: which said wares were sold by the said Raynshawe to the use of beseecher, except 3 pieces of kerseys, which another servant of the said William Walker afterwards disposed of for the sum of £15 12s. od. sterling. The said Walker received the money for the same, which he absolutely refuses to hand over to plaintiff, although he has constantly been asked so to do.

Vol. x.
[Calendar 8.]
W. 9.
30 Hen. VIII.
[1538-39.]

As plaintiff is a poor man and "not in goods able to try the order of the common law" for his remedy, he prays for letters of Privy Seal.

Hilary term, 30 Henry VIII. [1539].

Privy Seal to William Walcar to appear 15 Easter.

SIR EDWARD KEBLE, 'CLERK, *versus* JOHN WHYTEPAYN AND
SIR THOMAS BUTLER, KNIGHT *re* POSSESSION OF LEASE OF
WARRINGTON PARSONAGE AND ILLEGAL EXECUTION
AND RECOGNIZANCE.

To the Right Hon. William, Earl of Hampton.

Vol. xxi. N.D.
[Calendar vol.
5, N.D.]
K. 1.
29 or 30 Hen.
VIII.
[1537-39].
[See p. 121.]

SIR Edward Keble, Clerk, parson of the Church of Werington [Warrington], in the county of Lancaster, complains that where Sir Thomas Butler, Knight, patron of the said Church about 3 years ago being disposed to present plaintiff to the said Church, then void by the resignation of Thomas Maria Wyngfelde, then parson there, desired plaintiff to enseat an indenture of lease of the said parsonage for 60 years, reserving yearly to plaintiff £40, which plaintiff did, and was then, at the presentment of the said Sir Thomas, admitted to the said Church at Werington: and before plaintiff actually entered into the said parsonage the said Sir Thomas, for the sum of £186 13s. 4d. whereof he received in hand £124 6s. 8d., sold his said pretended term and interest in the said parsonage to William Bruche, of London, and Hamnet Shawe, who by colour thereof entered into the same; plaintiff, seeing that the said lease was not binding because he had nothing in the said parsonage at the time of the making thereof, expelled the said William and Hamnet, whereupon they exhibited a bill of complaint against plaintiff and the said Sir Thomas, and it was ordered by the Court that the latter should repay the said £124 6s. 8d.: the said Sir Thomas being unable to pay the said sum desired plaintiff to help him who thereupon borrowed of John Whytepayn, of London, £120, for the payment thereof, at the feast of Pentecost last, plaintiff, Edward Skypwyth, of London, Esq., and Robert Jerrard, of Sampford, in the county

of Somerset, gentleman, at the special request of the said Sir Thomas, were bound to the said Whitepayn by an obligation taken before Sir John Baldewyn, Knight, Chief Justice of the Common Pleas, in the sum of £160: in like manner plaintiff was bound to the said John Whytepayn in the sum of 200 marks for the payment of 10 marks yearly: directly plaintiff received the said £120 he delivered it to the said Sir Thomas, who therewith satisfied the said Shaw and Bruche. Now so it is, that the said John Whytepayn was truly satisfied by the said Sir Thomas of the said £120 and also (by the payment of £30) of the said sum of 10 marks yearly, yet this notwithstanding the said Whytepayn and Sir Thomas, intending to vex plaintiff by "covyn and collusyon" between them, have sued for the execution of the said 2 recognizances of £80 and 200 marks against plaintiff, omitting the said Skypwyth and Gerrard out of the said suit, as if the same had not been fully paid.

As plaintiff is now unable to enjoy the said parsonage, nor to satisfy the first fruits thereof to the King, he prays for remedy and Letters of Privy Seal.

EDWARD KEBLE, PRIEST, PARSON OF WARRINGTON *versus*
WILLIAM BRUCHE *re* BREACH OF AGREEMENT AND
TORTIOUS POSSESSION OF TYTHES AND PROFITS
OF WARRINGTON PARSONAGE.

To the Right Hon. the Earl of Hampton.

EDWARD Keble, priest, parson of Warryngton, in the county of Lancaster, complains that where one William Bruche being a very unruly person and a great "unquyeter" of his poor neighbours, about 2 years ago made many untrue saggessions to your Lordship against plaintiff, which your Lordship believing to be true, ordered plaintiff to pay to the said Bruche 50 marks sterling, which plaintiff has been unable to do: the said Bruche then insisted on the said payment and would in no wise "forbere" the same unless plaintiff agreed to give him £50 for the said

Vol. xxi. N.D.
[Calendar vol.
2, N.D.]
K. 4.
31 Hen. VIII.
[1539-40.]

50 marks, and would also find sureties for the payment thereof: thereupon, plaintiff, for fear of avoiding your Lordship's displeasure, caused Peter Hugons, gentleman, and Henry Keble, his (plaintiff's) brother, to be bound to the said Bruche in a recognizance in the sum of £200: it was then agreed that if the said Bruche were repaid the said £50 within 1 month, or if plaintiff within that time demised to the said Bruche the said parsonage for 10 years paying for the same the yearly rent of £30, that then the said recognizance should be void: and it was further agreed that if the said Bruche did not, during the said term, pay the sum of £4 yearly to the King for the tenth of the said parsonage, that then it should be lawful for plaintiff to re-enter the same, thereupon an indenture was engrossed in parchment concerning the said demise, by virtue whereof the said Bruche has enjoyed the said parsonage since the 25th day of July, 30 Henry VIII. [1538], but has not paid the said sum of £4 for the tenth thereof, so that plaintiff ought to re-enter the same according to the said agreement, but Bruche with great force still takes the profits thereof.

Prays for Letters of Privy Seal.

WILLIAM THOMSON, PARSON OF AISHTON [ASHTON] CHURCH
versus RANDALL HULTON AND OTHERS *re* TRESPASS AND
 ASPORTATION OF TYTHE CORN AT BLACKBURN
 PARSONAGE.

To the Right Honorable William, Earl of Southampton.

Vol. xii.
 [Calendar 10.]
 T. i.
 31 Hen. VIII.
 [1539-40].

WILLIAM Thomson,¹ parson of the Parish Church, of Aishton [Ashton-under-Lyne], in the county of Lancaster, complains that where Hugh Hulton, of Synderland, in the said parish of Aisshton [Ashton], in harvest last past, did sever the 10th part of the corn growing upon his ground in the said parish from the 9 parts of the said corn, and set forth the same as the tithe

¹ This "parson" of Ashton is not mentioned by Baines.

which of right belonged to plaintiff: So it is, that plaintiff on the 16th September, 31 Henry VIII. [1539], did lend Laurence Thomson and Henry Knott, his servants, with a cart to carry the said tithe corn so set forth to plaintiff's barn, and they then put into the said cart three half thraves of the said corn intending to carry away the same when Randyll Hulton, George Hulton, Richard Hulton, and Robert Hulton on the said day at the command of the said Hugh Hulton riotously and with force and arms made assault upon the said Lawrence Thomson and Henry Knott, took the said corn out of the said cart and threatened to beat plaintiff's said servants, they then carried the said corn to the barn of the said Hugh, who converted it to his own use; and in like manner the said Randell Hulton last harvest carried to his own barn the said tithe corn and converted it to his own use. By means of the said evil example, one Hugh Bexwyk, tenant to the said Hugh Hulton, after he had during last harvest severed the tithe corn of his corn growing in the said parish carried it to his own barn and used it himself.

Prays for Privy Seal.

Hilary term, 31 Henry VIII. [1531].

Privy Seal to Hugh Hulton, Randall Hulton, and Hugh Beswyk to appear 15 Trin. next.

EDWARD LOWDE, GAOLER OF CLITHEROE CASTLE *versus* JOHN
DUGDALE *re* LANDS APPURTENANT TO THE OFFICE OF
PORTER AND GAOLER OF CLITHEROE CASTLE.

To the Right Hon. the Earl of Southampton.

EDMOND Lowde, jailer or porter of the King's Castle, of Cletherow [Clitheroe], in the county of Lancaster, complains that where Roger Beke, serjeant of arms, has demised to plaintiff the jailorship or portership of the said Castle and also a parcel of ground called the Castle dykes, and another parcel of ground called the Castlehill lying within and about the walls of the said Castle, which ground plaintiff and all his predecessors, jailors

Vol. xii.
[Calendar 10.]
L. 1.
31 Hen. VIII.
[1539-40].

of the said Castle, have occupied: by virtue of which lease plaintiff has held the said office and ground for 6 years, and has paid yearly for the said ground 2s.6d., until about the 8th day of October last, when John Dugdale, of Cletherow [Clitheroe], pretending the said ground called the Castle dykes to appertain to the late resolute Abbey or Monastery of Whalley, with divers misdemeaned persons of his company, in most riotous manner, not only entered the said ground and cast down the edges and ditches, but has also divers times put his cattle and beasts into the same and destroyed the herbage thereof to plaintiff's great damage.

Prays for writ of Privy Seal.

Hilary term, 31 Henry VIII. [1540].

A Privy Seal to John Dugdale to appear "tres" Easter next.

LIONEL GERRARD *versus* WILLIAM BRADSHAW AND OTHERS
re CHARGE OF ROBBERY OF PLATE, ABDUCTION OF WIFE,
 REFUGE IN SANCTUARY, IN LITHERLANDE, ORMS-
 KIRK, AND RIPON.

To the Right Hon. the Earl of Southampton.

Vol. xi.
 [Calendar 9.]
 G. 2.
 31 Hen. VIII.
 [1539-40].

L YONELL Gerrard complains that where one William Bradshawe, of Lytherlande, in the county of Lancaster, Esq., being a man of light disposition and behaviour, and one Thomas Prescot, household servant to the said Bradshawe, accompanied by 6 evil disposed persons, came in the feast of All Saints last past about "ye howre of viijth or ix. of the clocke in the nyght tyme," and entered into plaintiff's dwelling house in the town of Ormyskyrke, in the county of Lancaster, and with force carried away Grace Gerrard, your orator's wife, "with certen plate of the guddys and cattell" of your said plaintiff to the value of £100 and more, and with all speed conveyed them to a "seyntwarye" [Sanctuary] place, called Ripon in the north part of the county of York. Plaintiff at once followed them, and with great trouble obtained his wife and part of his said plate to the value of about

£20, but the residue the said William Bradshaw positively refuses to give up. Moreover, the said Bradshaw being a "vereye trowbolous and a cedycyous person," uses many seditious words of menaces and threats against plaintiff in many places, so that plaintiff cannot dwell in his own house in Ormyskyrke, to his utter undoing, and as he is a man of great possessions, substance, and riches, plaintiff is quite without remedy.

Prays for Privy Seal.

Trinity term, 31 Henry VIII. [1539].

Privy Seal to William Bradshaw and Thomas Prescott to appear this term.

HUGH HUXLEY, CLERK, LATE PRIOR OF BURSCOUGH AND OTHERS
versus SIR JAMES STANLEY, KNIGHT, *re* TITLE TO TYTHES IN
 BURSCOUGH, ORMSKIRK PARSONAGE, CROSSHALL,
 WESTHEAD, AND BIRCHECARWOOD.

To the Right Hon. William, Earl of Hampton.

SIR Hugh Huxley, Clerk, late Prior of the suppressed Priory of Burscogh, in the county of Lancaster, Humfrey Hurleton, and Robert Byrkhtned, gentlemen, show that where the King for certain sums of money paid to his use by plaintiffs by Letters Patent dated at London, 14th July, 29 Henry VIII. [1537], demised to plaintiffs the rectory or parsonage of Ormeskyrke, in the county of Lancaster, lately belonging to the said suppressed Priory, with all manner of tithes, oblations, commodities, profits, and emoluments thereto belonging: to hold from the feast of St. Michael the Archangel next ensuing for 21 years, they paying yearly for the same £40 11s. 2d. Now so it is, that Sir James Stanley, of Crossehall, in Ormeskyrke, Knight, of his great power intending not only to compel plaintiff to demise to him the tithes and profits of the said parsonage at his own price, but also by divers vexations and molestations "so to defatigate and werye" the said Sir Hugh Huxley that he will be unable to enjoy the said premises and will be driven out of Ormeskyrke. The injuries and wrongs inflicted on plaintiff by the said Sir James are as

Vol. xi.
 [Calendar 9.]
 H. 4.
 31 Hen. VIII.
 [1539-40]

follows : First, whereas the said Sir James Stanley yearly, during the life of Robert late Prior of the said Priory of Borescogh, paid to him all the tithe corn of all his lands called Crossehall without any diminution : and where also in January, 26 Henry VIII. [1535], after the death of the said Robert, the said Sir Hugh Huxley was elected Prior, and in the following year took all the tithe corn as well of Crossehall, as of Westhed and Byrchecarwood, and all other towns and places within the parish of Ormeskyrke until the said Priory was dissolved in August, 28 Henry VIII. [1536], when Thomas Burgon and other the King's commissioners sold to the said Sir Hugh all the tithe corn growing in the said year within the towns of Merton, Borescogh, and Latham, in the last named of which the said lands called Crossehall lie, for £9. Afterwards the said Sir James refused to "severe" the tenth part of his corn growing in Crossehall and Eggbaker, which, in that year, was worth 26s. 8d. At the feast of Easter following, the said Sir James, being "grutched in his conscyens," sent Dame Anne, his wife, to Sir Robert Madox, who was deputed by the said Sir Hugh to receive the Easter roll, and the said Dame Anne then offered to give him 6s. 8d. in recompense for the said tithe corn, which he refused. In 29 Henry VIII., the said Sir James, hearing that his Majesty had let the said parsonage of Ormeskyrke, not only refused to send any of the tithe corn of Crossehall and Westhed, which amounted to about £3, but caused the said Dame Anne, his wife, who was accompanied by George Williamson, Ector Haworth, Thomas Canne, Sir John Bleystons, Edward Tabrer, James Coke, Henry Brokefeld, John Walmesley, and 12 other riotous persons, on the 29th day of August, in the said year, with force and arms to make an assault upon the servants of the said Sir Hugh whom he had sent with his wain to bring home the tithe corn of Westhed. Not only did they put the said servants in peril of their lives, but they drove the said wain being full of the said tithe corn to the house of the said Sir James, and after unloading the said corn they turned out the said oxen and cart without anybody to drive them, by reason whereof the said cart was so damaged that it could not

be used again that year. Not content with this, the said Sir James, every day during harvest time in that year, caused his servants to take all the tithe corn and hay in Westhed, amounting to £4. In the 30th and 31st years of Henry VIII. the said Sir James caused his servants to carry away all the tithe corn, grain, and hay in Westhed and Eggcaker,¹ amounting in value to £8, and for the latter year he withholds the rent of the tithe hay of Byrhecarwood, in Scaresbreke, in the parish of Ormeskyrke.

The said Sir James not only molests the friends, tenants, and servants of the said Sir Hugh, but also persuades the inhabitants of the said parish not to work or labour for him, so that he will shortly be compelled to give up the said farm.

And whereas as well the said Sir Hugh as also one William Adamson "wich used to helpe to leade the tiethes of yor said Orators for their money" have always, with the assent of the King's bailiff of his moss in Burscogh, been accustomed every year to take turves for their necessary fuel: now, the said Sir James, with 12 riotous persons, on the 20th day of May last, came to the said moss and commanded the said bailiff not to allow the said Sir Hugh, nor the said Adamson, to get any more turves, by reason whereof they lacked fuel all the winter.

Michaelmas term, 31 Henry VIII. [1539].

Privy Seal to Sir James Stanley to appear 15 Hilary next.

The answer of Sir James Stanley, Knight, to the bill of Hugh Huxley, Humfra Hurleton, and Robert Byrkenhead. H. 4. a.

Defendant says that Robert Harvy, deceased, sometime Prior of Briscough, predecessor of the said Hugh Huxley, plaintiff being parson in persona of the said Rectory of Ormyskyrke at Briscough, by his deed sold, with the whole assent of his convent, to defendant, Anne, his wife, and Thomas Stanley and Edward Stanley, their children, the tithe corn of the best close of the Crossehall, during the life natural of the said Robert Harwy; also all the tithe corn and hay of the said Crossehall, Westhed, and Edgeaker

¹ In an Inquis. Post. Mort. in 1508 this is called "Eggegarth."

being within the said rectory, to hold from the death of the said Robert during all the lives of the said grantees, without paying any rent for the same : by reason whereof defendant justifies the detaining of all the said tithes, and says he yearly carried to his own use the said tithes as lawful was for him to do ever since plaintiffs have been farmers of the said rectory : without that that defendant intends to compel plaintiff to demise the said tithes to him, &c., &c.

H. 4. b. The answer of Thomas Gorsych and James Johnson to the bill of Hugh Huxley, clerk.

By reason of the extreme malice which plaintiffs bear towards defendants, Richard Gelybrond and Ewan Allerton and others of plaintiff's servants and friends at divers times and places have laid in wait for defendants intending either to "murdre, mayheme, or evyll intrete" them, whereupon defendants, greatly fearing bodily harm, especially to the said James Johnson, "about the besynes of his maister daylie going," obtained a warrant of the peace of Bartholomew Haskyth, J.P., against the said Richard and Ewan, by force whereof the constable of Ormeskyrk in peaceable manner arrested the said Richard Gelybrand, and would have arrested the said Allerton if he had not escaped : without that that the said Thomas Gorsyche intended to "defatigate" plaintiff ; or that any of the inhabitants of the said parish then disposed to receive the Blessed Sacrament were by reason of the said arrest disturbed or inquieted, or that any "tumultuacion" was then moved in the said parish Church, or that the said arrest was contrary to the form of the statute made in the 1st year of King Richard II. [1377-78].

DECREES AND ORDERS, HENRY VIII. VOL. 3. F. 96.

It is ordered by the Chancellor and Counsel that both the said parties shall keep the and fulfil the agreement aforesaid.

And that Sir James Stanley, shall pay to the said Sir Hugh Huxley for the tithe corn of Westhed, Crossehall, and Egeacre, 26s. 8d. before the feast of St. John the Baptist next coming.

HENRY FERRERS AND JOHN GRENEWODDE *versus* ROBERT WALKER
re CLAIM FOR DEBT FOR CLOTH SOLD IN HORNBY AND
 ELSEWHERE.

To the Right Hon. William, Earl of Southampton.

HENRY Ferrers and John Grenewodde complain that where they were possessed as of their own proper goods of 12 pieces of cloth "Color Tawny," and 10 pieces of white cloth, they on the 20th day of March, 28 Henry VIII. [1537], at Elond, in the county of York, sold the same to William Foxcrofte, of Hornebey [Hormby], in the county of Lancaster, for £43, to be paid when plaintiff shall demand it, by virtue whereof the said Foxcrofte was possessed of the said cloth, and so being seised he made his will, ordaining one Robert Walker his executor, and afterwards died at Horneby. After his death, the said Walker took upon himself the administration of all his goods, but he refuses to pay plaintiffs the said £43.

Vol. xi.
 [Calendar 9.]
 F. 2.
 31 Hen. VIII.
 [1539-40]

As plaintiffs have no writing obligatory of the said William Foxcrofte to prove the said sale, they are without remedy unless your Lordship will direct a Privy Seal to the said Robert Walker.

Trinity term, 31 Henry VIII. [1539].

Privy Seal to Robert Walker to appear on the Morrow of All Souls next.

WILLIAM BILLING *versus* JAMES ROBY AND OTHERS *re* INTERRUPTION OF DIVINE SERVICE AT WIGAN CHURCH AND
 BILLINGE CHAPEL.

WILLIAM Billing complains that where he and his ancestors and those whose estate he has have been seised . . . of the township or village of Byllynge, in the county of Lancaster, . . . lying in the parish of Wygan, . . . and both about 3 miles from the said parish Church of Wygan, . . . betwixt the said township of Byllynge and the said parish Church of Wigan, . . . and of other villages and hamlets thereto adjoining, as also the young people and

Vol. xi.
 [Calendar 9.]
 B. 1.
 31 Hen. VIII.
 [1539-40].

. being daily bound of necessity to their support and necessary charges to hear there divine service according to their bounden duty, In consideration whereof your said orator parson of the said parish Church of Wigan for the time being, as, with the consent and aid of the and if foresaid as by the help, ayde, and assistance of the tenants and inhabitants of the said township hamlets adjoining erected and made a convenient chapel¹ within the said township of Byllynge within the which chapel divine service and kept for a virtuous and godly entent, and for the ease of the people near there adjoining, whereupon, as well all the tenants and inhabitants of Byllynge as also divers of the people aforesaid by their whole assent ministered within the said chapel should be the better performed did choose 2 Churchwardens and collection of the charity of the people resorting to the said chapel, whereupon, one James Roby being elected reeves aforesaid, having in his hands the sum of £7, or thereabouts, collected for the use of the said chapel of the charity of the people coming to the same, will not restore the said £7 to the use of the said chapel supportation of God's service celebrate within the same according as he was entrusted so to do says that he has delivered the said money to one William Heyton, esq., the which William and James Roby wrongfully detain the said £7 in their own hands, so that the divine service in the said chapel is likely to be surceased for lack of payment of the priest's wages, and for other necessities to the same appertaining to the great inquietness of all the inhabitants of the said township and of others resorting to the said chapel. In consideration whereof, "and that there is no rights, duties, nor laudable customs withholden from the said parish Church," it may please your lordship to direct letters of Privy Seal to the said William Heyton and James Roby commanding them to pay the said money.

¹ So little is known of the early history of this chapel, that even this fragment is valuable.

Hilary term, 31 Henry VIII. [1540].

Privy Seal to William Heyton and James Roby to pay and to appear in the month of Easter next.

[The greater part of this document is stained dark brown, and is quite illegible.]

LAWRENCE TOWNELEY *versus* THOMAS TOWNELEY AND OTHERS
re TORTIOUS POSSESSION OF AN ISLE OR QWERE IN
 THE PARISH CHURCH OF COLNE.

To the Right Hon. Sir William Fitzwilliam, Knight.

LAWRENCE Townelye, of Barnesyde, in the county of Lancaster, Esq., complains that where of late there has been discord and controversy concerning the title and occupation of an "Ile or qwere" lately built out of the south side of the parish Church of Colne, in the county of Lancaster, between the plaintiff of the one part, and George Houghton, of Grenefeyld, in the said county, gentleman, of the other part: all which variance was committed by both parties to the award and judgment of 7 honest men dwelling in Colne, Sir Thomas Clyfford, Knight High Sheriff of the county, being umpire: and forasmuch as one Lawrence Townley, plaintiff's grandfather, had required the room in the said "qwere" for himself, his children, and his heirs, inhabiting the said parish of Colne, of the Churchwardens and the whole parish: and forasmuch as the said Lawrence had been at great costs and charges in the said "qwere," as well upon the altar, books, and the "seeling of the Roffe" there, the said arbitrators awarded, with the assent of both the said parties, the advice of the said Sir Thomas Clyfford and with the good will of the whole parish that the said Lawrence Towneley, his children, and heirs should from henceforth occupy the said "qwere" in such manner as his said grandfather had occupied it, and that the said George Houghton and his heirs should not hereafter claim any title thereto, as by the said award more at large appears: Now so it is, that since the making of the said order, to wit, on

Vol. xii.
 [Calendar 10.]
 T. 4.
 32 Hen. VIII.
 [1540-41].

the 17th April last past, one Thomas Townley, son-in-law of the said George Houghton, Thomas Banaster, James Rydeough, with divers other riotous persons, at the command of the said George, entered the said Church of Colne and there broke the door of the said qwere violently during service whereby the service of God, within the said Church, is "moche letted, and ye parichynors moche dysquyeted," and is likely so to continue unless a remedy be provided.

Prays for Privy Seal.

Easter term, 31 and 32 Henry VIII. [1540].

Privy Seal to Thomas Towneley, Thomas Banaster, and James Redeoughe to appear viij^{as} Trin^{ty} next.

LAWRENCE TOWNLEY *versus* THOMAS TOWNLEY *re* TITLE TO
A CHOIR IN COLNE CHURCH.¹

The answer of Thomas Townley to the bill of complaint of Lawrans Townley.

Vol. xix. N.D.
[Calendar 3,
N.D.]
T. 3.

DEFENDANT says that notwithstanding any award or matter in the bill contained he has a good, just, and rightful interest for a kneeling place in the said "qwere" for himself, Ellen, his wife, and their heirs, because long before the supposed variance, to wit, about 12 or more years ago, one John Pasley, late Abbot of Whalley, parson in "persone" of the said Church of Colne, upon suit made by Sir John Townley, Knight, and the said George Hoghton and Jhoane, his wife, granted to the said George and Joan, and to their heirs, a kneeling place within the said "qwere," and allowed them to put up a seat convenient for them and their children, because all the ancestors of the said Joan, whose estate she has, have been accustomed to have a kneeling place in the upper part of the said Church, by force of which grant the said George and Joan have enjoyed the said kneeling

¹ This is included amongst the Pleadings of Henry VIII. without date, but as it is the reply to the last one it is inserted here.

place ever since. The said George Hoghton and Joane had issue Elyn, their only daughter and heir, now wife of defendant. After the death of the said Joan, the reversion of the said manor of Grenfeld and the said kneeling place came to the said Elyn. Afterwards the said George being tenant, by courtesy, granted all his right in the premises to defendant and his said wife, by reason whereof they enjoyed the same until plaintiff disturbed them, and pulled down the said seat, without that that Lawrans Townley, grandfather of plaintiff, made any such desire to the Churchwardens of Colne for the said kneeling place.

Plaintiff has submitted that defendant broke open the door of the choir, but defendant says that plaintiff of malice nailed up the said door so that defendant and his wife should be "stopped oute of the said qwere," which door, defendant, having 2 other persons with him, in a peaceable manner, about 7 o'clock in the afternoon, opened, at which time there was no service going on, "nor yet very fewe people or none" in the said church.

DECREES AND ORDERS, VOL. 7. F. 78. TRINITY TERM,
32 HENRY VIII. [1540].

Concerning a matter at variance between Laurence Townley, plaintiff, and Thomas Townley, defendant, as to the use, title, and occupation of, and to an "Ile or queere" lately built out of the southside of the parish Church of Colne: It is ordered that the same shall be used in every point according to the arbitrament thereupon made by Sir Thomas Clyfford, Knight, and the Churchwardens of the said Church, until the said Thomas Townley shall have proved a sufficient title thereto.

Inter
Townley and
Towneley.

WILLIAM RANSHAW *versus* JOHN HAYWARD AND OTHERS
re TITLE TO GOODS AND CHATTELS AT HULME.

*To the Right Hon. Sir William, Earl of Hampton, Lord Privy
Seal, and Chancellor of the Duchy of Lancaster.*

WILLIAM Ranshawe, of Hulme, in the county of Lancaster, labourer, complains that James Haward, Nicholas Barlewe, and James Peryn, of Hulme, yeomen, on the 15th day

Vol. x,
[Calendar 8.]
R. 7.
32 Hen. VIII.
[1540-41].

of August last [1540], with 6 other riotous persons, forcibly broke into plaintiff's house and then and there not only induced Clemence, plaintiff's wife, to agree to leave her husband, and to follow their most wretched and detestable luxurious living and appetite, but also carried away 2 chests belonging to your orator, containing goods to the value of 40s. and more which they refuse to return.

Prays for writ of Privy Seal.

Michaelmas term, 32 Henry VIII. [1541].

A Privy Seal to James Hayward and others to appear "viiij Martini prox."

R. 7. a.

William Raynshaw, of Hulme, in the county of Lancaster, complains that whereas Hamnett Bent was seised in his demesne as of fee of certain meases of land, meadow, and pasture with appurtenances in Hulme held of Edmund Peyke in socage : and whereas after his death the said premises descended to Edward Bent, as his son and heir, who was then aged about 3 years, and because the said meases were held in socage, Clemence, late the wife of the said Hamnett and mother of the said Edward as "garden in socage," seised the custody of the body of the said Edward and of the said premises, and afterwards married plaintiff : Now so it is, right honourable lord that Rauff Heyward, of Hulme, and James Heyward, his servant, with 6 other riotous persons, on the 5th day of July last [1540], took away the said Edward Bent by force, and still detains him. Moreover, Rauff Ryder, Clerk, Thomas Barlow, Alexander Prestwich, Oliver Low, William Ryder, John Peryn, and James Peryn, by the especial command of the said Rauff Heyward, on the 8th day of July last [1541], made a grievous assault on plaintiff and prevented him from taking away 2 "packes" of pewter, brass, and other stuff, and 3 horses where-with your orator works for his living, and afterwards induced William Turner and John Wright to "arreste" the said 2 packs which were not returned to plaintiff for a long time.

Not content with that, the said James Heyward, Nicholas Barlow, and James Peryn, with 6 others, on the 15th August last

[1541], broke into plaintiff's dwelling house at Hulme, violently assaulted John Reynshaw, his servant, and carried away 2 chests filled with goods to the value of 26s. 8d. which they have converted to their own use.

Prays for letters of Privy Seal.

Michaelmas term, 32 Henry VIII. [1540].

Privy Seal to Rauff Heyward and others to appear "viij. Martini prox."

The answer of James Peryn to the bill of William Ranshawe. R. 7. b.

Defendant says he is not guilty of any riot or unlawful assembly.

Nicholas Barlow deposes that at the time when the said entry was supposed to be made he was passing by the house when the said Clemence called out to him and asked him to help her to move the said chests into another house in the said ground called the Dowrye Howsse. While he was so engaged, John Ranshaw, plaintiff's brother, said to him, "Nichol, I pray the let it a lone for it ys against my brotherz mynd that thow sholdest Remove thys Chist," whereupon, defendant left without again touching the said chests. At the same time, there was there another chest belonging to Helen Bent, which also had to be removed, and more help being required, the said Clemence and Helen requested "this other defendant," then dwelling in the next house on the other side over the way against the house of the said plaintiff, to help to remove the same into the said Dowrye House which he accordingly did, and then took his leave. Without that that defendant broke into the house of the said plaintiff and took away goods to the value of 40s., for they say that in the one chest there was only a piece of "barley loffe" and a little bowl of milk, and in the other one piece of "boeffe," and another of bacon, both "scant" worth 8d., and without that that, &c.

ISABEL LABREY, WIDOW, *versus* SIR ALEXANDER RADCLYFF,
KNIGHT, AND THOMAS BECKE *re* TITLE DEEDS OF
LANDS, &c., IN MANCHESTER AND NEWTON.

To the Right Hon. William, Earl of Hampton, &c.

Vol. xii.
[Calendar 10.]
L 5.
32 Hen. VIII.
[1540-41].

ISABEL Labrey, widow, complains that where Robert Labrey, her late husband, about 5 years ago, at Manchester, in the county of Lancaster, sold to Edward Janney, of Manchester, and Henry Gee, of Chester, certain tons of iron for 200 marks, to be paid to him at his reasonable request; and also to Hugh Aldersey, of Chester, certain iron for 66 marks 8s. 10d. to be paid in like manner; which said Robert, before receiving any of the said money, about 4 years ago made Thomas Grenehalgh and Anne, his wife, daughter of the said Robert, executors of his last will: and whereas after the death of the said Robert plaintiff "pursued" a bill in the Duchy Chamber against the said executors for her reasonable wife's part of the said goods, whereupon order was given for plaintiff to have the said sums of 200 marks and 66 marks 8s. 10d. in recompense of part of her wife's part, for assurance whereof the said executors were bound to plaintiff by obligation and indenture: Now so it is, that plaintiff in the name of the said executors has required the said Edward Jannye, Henry Gee, and Hugh Aldersey to pay to her the said money, but they being men of great substance, of their ungodly and uncharitable disposition refuse to do this, but offer to pay the same "by small parcels and at longe dayes" in many yerez, by means whereof plaintiff, being a poor woman, and having nothing to live upon, would in the mean time be utterly undone.

Prays for Letters of Privy Seal.

Easter term, 32 Henry VIII.

Privy Seal to Henry Gee, Hugh Aldershaw, and Edward Jenny to apper xv. Triñ.

SIR THOMAS BUTLER, KNIGHT, *versus* WILLIAM BRUCHE, *re*
DETENTION OF TITLE DEEDS OF THE ADVOWSON OF
WARRINGTON PARSONAGE.

*To the Right Hon. William, Earl of Southampton, Lord Privy Seal,
and Chancellor of the Duchy of Lancaster.*

THOMAS Butler, Knight, complains that whereas one Edward Keble, Clerk, parson of the parish Church, of Warrington, in the county of Lancaster, by deed dated 1st May, 29 Henry VIII. [1537], demised to plaintiff all his said parsonage, with all tithes and profits to the same belonging for 5 years, and so from 5 years to 5 years to the end of 60 years.

Vol. xi.
[Calendar 9.]
B. 12.
32 Hen. VIII.
[1540-41.]

Afterwards plaintiff for the sum of £186 13s. 4d. whereof £120 were well and truly to him in hand paid by William Bruche, citizen and merchant tailor, of London, and Hammett Shawe, of Westham, in the county of Essex, yeoman, and for the payment of the said £66 13s. 4d. the said William and Hammett were bound by their deed obligatory, by deed dated 27th October, 29 Henry VIII. [1537], granted all his title, term of years, and interest in the said premises to the said William Bruche and Hammett Shawe, and for the performance of the said covenants the said Sir Thomas Butler was not only bound by recognisance of estatute of the staple to the said William and Hammett in the sum of 1000 marks, but also for the "more assurance" of the said lease by his deed granted to them the advowson and patronage of the said Church of Warrington for certain years, to the intent that if they should be disturbed of their said term of years, or if the said parson should die or resign, that then they should present their clerk to the said Church: and forasmuch as the said Edward Keble, when he made the said lease for 60 years to plaintiff, was "nott Institute and inductyd" parson in the said parsonage the said lease by the order of the King's laws was frustrate and void, and the said William and Hammett could not enjoy the same, whereupon they exhibited a bill of complaint against plaintiff and the said Edward Keble, and it was ordered that the said Edward

should pay to them the said £120, and should be clearly discharged against plaintiff of the said £66 13s. 4d. residue of the said £186 13s. 4d.; and that all writings concerning the premises should be delivered to Sir Roger Cholmeleye, Knight, to keep until the said Edward Keble had paid to the said William and Hammett all such sums of money as should be awarded to them for their costs. Your lordship awarded them 50 marks. Afterwards the said Hammett Shawe died. The said Keble has paid them the said £120 and the said 50 marks, but nevertheless they will not give up to plaintiff the said writings and indentures to his great hurt and damage.

Prays for writ of Privy Seal.

Trinity term, 32 Henry VIII. [1540].

ADAM BEKENSHAW, OTHERWISE BECKENSALL *versus* JOHAN
BECKENSALL AND ROBERT SMITH *re* TITLE TO MESSUAGES,
LANDS, &c., OF THE GIFT OF ADAM BEKENSALL, VICAR
OF LEYLAND, IN CROSTON, AUGHTON, HALSALL,
PRESCOT, AND LEYLAND.

[The top of this bill is torn right away.]

Vol. xxxiii. [Calendar 27.] B. 6. 32 Hen. VIII. [1540-41]	. . . Edward Bekenshowe, . . . deceased, . . . seised in his demesne . . . him and the heirs male of his body by virtue of a gift of entail made by Adam perpetual . . . vicar of the Church of Leylond to one of the ancestors of the said Edward and to the heirs male of his body, of whose body the said Edward did lawfully come, of 40 messuages and about 400 acres of land, meadow, pasture, woods, and moss, with appurtenances, in the parishes of Croston, Aughton, Halsall, and Prescott, in the county of Lancaster, of the yearly value of about 40 marks, and died thereof seised; after whose death the said premises descended to Henry Bekenshowe as elder brother of plaintiff, as son and heir male of the body of the said Edward, by force whereof the said Henry entered into all the said premises and was thereof seised in his demesne as of fee-tail and died with- out heir male of his body. After his death the premises descended to plaintiff, as son and heir male of the said Edward, who accord- ingly took the profits thereof for one year and more next before
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the 28th May, 22 Henry VIII. [1530], upon which day plaintiff was violently expelled by *John Bekenhowe*, Robert Smyth, chaplain, William Brodshawe, chaplain, and 12 others, who still keep possession thereof with force and arms, and will not allow plaintiff to re-enter the same, contrary to the form of divers good and "holosome statuyttes" in that case ordained.

Certain writings and evidences concerning the said gift having come into the possession of the said *Joan*¹ she by reason thereof has taken the profits of the premises.

Prays that a privy seal may be directed to the said Joan Bekenhowe and others, commanding them personally to appear to answer the premisses.

Trinity term, 32 Henry VIII. [1540].

Hereupon a privy seal to Joan Becanshaw and Robert Smyth to appear xv. Michaelmas next.

The answer of Joan Beckensall and Robert Smith to the bill of complaint of Adam Beckensall.

B. 6. a.

Defendants say they are not guilty of any riot.

The said Henry Beckensall said in the bill to be plaintiff's elder brother, was seised of all his messuages, lands, tenements, and hereditaments in the parishes of Croston, Ayghton [Aughton], Hallsall, and Prescotte in his demesne as of fee and took to wife Joan Beckensall, one of the defendants. The said Henry died seised thereof in March, 30 Henry VIII. without issue, the said Joan being "provanent inscent" with Dorathe Beckenhall, daughter of the said Henry. After his death the premises descended to plaintiff, as his brother and heir, until the said Dorathe was born, by reason whereof plaintiff took the premises thereof during that time. After the birth of the said Dorathe, the said Joan, as her "garden in socage," peaceably entered upon the lands as lawful was for her to do. Without that that Edward Beckensall, father of plaintiff, was seised of any lands contained in the said bill.

Such evidences and writings as are in defendant's custody justify the keeping thereof to the use of the said Dorathe.

¹ Previously referred to as *John*.

B. 6. b. The replication of Adam Becansaw to the answer of Joan Becansaw and Robert Smith.

Long before the said Henry Becansaw anything had in the premises the said Adam, perpetual vicar of the Church of Leylond, was seised of the premises, *inter alia*, in his demesne as of fee, and so seised gave the same in the time of King Edward III. to one Henry, of Becansaw, for term of his life, the remainder being to Adam, son of the said Henry, and his heirs male. After the death of Henry the said Adam entered into the premises, which, upon his son (Adam's) death, descended to Robert, his son and heir; after whose decease they came to Henry Becansaw, his son and heir; after his death to George Becansaw, his son and heir; after his death to Edward Becansaw, father of the said Henry named in the bill, as son and heir of the said George. The said Edward being so seised enfeoffed thereof Adam Becansaw, Doctor of Laws, and divers others, to hold to them and their heirs for ever to the use of the said Edward and his heirs and for the performance of his will, whereby he willed that his said feoffees should stand seised of the said premises to the use of himself (Edward) for life; and after his decease to the use of the heirs male of his body. The said Edward died before the 4th February, 27 (?) Henry VIII., after whose death the said feoffees were so seised to the said uses and intents until the said 4th February, upon which day the said Henry, father of the said Dorothy, was seised of the lands in his demesne as of fee-tail, to wit, to him and to the heirs male of the body of the said Edward. The said Henry died without issue male, by force whereof the premises came to plaintiff as son and heir male of the said Edward who entered into the same. Without that that the said Henry was seised thereof as of fee.

DECREES AND ORDERS, HENRY VIII. BK. 7. F. 86^b.

MICHAELMAS TERM, 32 HENRY VIII. [1540].

Inter
Bekensawe et
Bekensawe.

For the matter in variance between Joan Beckensaw, widow, and Adam Beckensaw, as well for certain corn as household stuff, and other goods remaining in the manor of Beckensaw. First it is ordered that the said Adam suffer the said Joan at all times

before the feast of St. John the Baptist next to take all the corn sown by her upon the demesne lands of the manor of Beckensawe [Becconsall], now remaining in the barn or elsewhere. If the said Adam prove that he had good right and title to the said demesne lands at the time of sowing and reaping the said corn, and no interest before by him to any other person granted, then the said Joan to pay to the said Adam all such sums of money as shall be considered by the conscience of the Chancellor in that behalf. As to all the movable goods and household stuff remaining in the said manor of Beckensaw [Becconsall], the said Adam shall suffer the said Joan to take the same away at any time before the Purification of Our Lady next coming at her pleasure. Also it is ordered for the possession of all the lands, tenements, and hereditaments now in variance between Dorothe Beckensaw, plaintiff, and Adam Beckensaw, defendant, That where it appears by bill indented made 4th October, 32 Henry VIII. [1540], that the said parties agreed at the mediation of Sir Alex. Radcliff, Knight, Thomas Holte, Robert Holte, and John Grenealgehe, Esqrs., that Sir Robert Hesketh, Knight, and Andrew Barton, Esq., should indifferently keep possession of all the said premises until the last day of the next Sessions to be held at Lancaster; and further by the bill appears that concerning the tithe corn in variance between the said Joan and Adam, if the Vicar of Croston would say before the said Robert Hesketh and Andrew Burton that he had made a lease thereof to Henry Beckensaw, late husband of the said Joan, That then the said Joan to have the said tithe corn, or else it to remain in the hands of the said Robet and Andrew: Now, forasmuch as it appears to the said Chancellor that the said Adam has not obeyed the said agreement, and as the said Dorothy is "very heir general" to the said Henry whereby she, by the order of the common law, ought to enjoy the possession of all the premises until defendant, who claims by a special tail, has proved his "pretensed" title to be true: therefore, the said Chancellor has ordered that possession thereof shall be kept by the said Sir Robert Hesketh and Andrew Barton in such manner as in the said bill is stated, and that they shall take all the profits thereof

and retain them until further order is taken therein, and to suffer neither of the said parties to meddle with the said possession or profits in the meantime. As to the said tithe corn the same order to stand as in the said bill is contained. Also it is ordered that a chest of evidence remaining in the keeping of Richard Banastre of the Banke, Esq., shall, by the "oversight" of Sir William Leylond and Thomas Ireland, Esq. be locked with 2 locks and sealed with 2 seals, and that each of the parties shall have 1 key: and the said chest so safely locked shall be sent up by a carrier to be here in the beginning of the next term at the cost of the said Joan, mother of the said Dorothy. Both the said parties shall have notice given them of the day of the coming of the said carrier out of Lancashire with the said chest, to the intent that both the said parties, if they will, may accompany him with the said carriage.

DOROTHY BEKKENSALL, SOLE DAUGHTER AND HEIR OF HENRY BEKKENSALL *versus* ADAM BEKKYNSALL *re* TITLE TO MESSUAGES, LANDS, &C., OF THE GIFT OF ADAM BECKENSALL, VICAR OF LEYLAND, IN BEKKYNSALL [BECCONSALL] MANOR, HESKETH, AND HAGHTON [AUGHTON].

To the Right Honorable William, Earl of Southampton.

Vol. xxxiii.
[Calendar 27.]
B. 7.
32 Hen. VIII.
[1540-41].

DOROTHEE Bekkensall, sole daughter and heir of Henry Bekkensall, gentleman, late of Bekkensall, in the county of Lancaster, complains that where the said Henry was seised of an estate of inheritance of a chief capital messuage and lands, tenements and hereditaments, of the yearly value of about £10 called the "demaïne" of Bekkynsall [Becconsall], lying within the towns of Bekkynsall [Becconsall] and Hesketh, and died thereof seised, after whose decease the premises descended to plaintiff as his daughter and heir, who by reason thereof entered into the same and took the profits thereof for 1 whole year, to wit, until the 27th May last, when Adam Bekkynsall, of Bekkynsall, Thomas Banastre, of the same, Henry Smythe, Elizabeth Bekkynsall, Thomas Howyke, of Heskett, Richard Todde, William Phylpson, of Bekkynsall, Rafe Cawderaw, of Bekkynsall [Becconsall], Jhon Cawderaw, of Bekkensall [Becconsall], Edmond

Suton, William Catherall, Rychard Jompe, George Norres, of Tarylton [Tarleton], Henry Wygnall, Ranold Banester, Robert Thurstonson, Robert Banester, Jhon Blundell, Rychard Banester, of Bekkensall [Beconsall], Jhon Dande, of Tarylton [Tarleton], William Dande, of Tarylton [Tarleton], Rychard Phylpson, of Tarylton [Tarleton], Robert Howyke, Henry Dande, George Todde, Jamys Browne, Wylliam Browne, and Rafe Catherall, with many others, in a riotous manner, entered into all the said premises, forcibly expelled Richard Gylys and other servants of Joan Bekkynsall, mother of plaintiff, "dyggid and ployd" the ground belonging to the said messuage, and converted all the profits thereof to their own use. And whereas also, plaintiff had distrained 20 beasts for damage done upon the premises and impounded them in an open pound at Penmerdame [Penwortham], the said riotous persons on the said 28th May broke the said pound and took away the said cattle without making any recompense to plaintiff, to her utter undoing, being of tender age.

Prays that a privy seal may be directed to Adam Becunsaw, and others, commanding them personally to appear to answer the premisses.

Trinity term, 32 Henry VIII. [1541].

Hereupon a privy seal to Adam Beconsawe, Thomas Houghwyk, and Richard Todde to appear xv. Michis prox.

The answer of Adam Beconsaw.

B. 7. a.

Long before the said Henry Becansaw had anything in the premises, Adam, perpetual vicar of the Church of Leylond, was seised thereof, and so seised gave the same temp. Edward III. [1327-77] to Henry, of Becansaw, for term of his life [word for words as in B. 6. b., replication of Adam Becansaw]. Denies the riot and other things mentioned in the bill.

Commission dated 27th November, 32 Henry VIII. [1540], directed to Robert Holt, of Stubble, Esq., Lawrence Ireland, Esq., Thomas Holt, of Grystilhurst [Grizlehurst], Esq., and Rauff Assheton, Esq.

B. 7. d.

B. 7. e. Interrogatories on behalf of Adam Beckynsall.

B. 7. f. Memorandum, that the said Commissioners on the 18th January, 32 Henry VIII. [1541], at Chorley, examined witnesses as follows :

Depositions on behalf of Adam Bekynsall, plaintiff.

William Grumpe, aged about 70, tenant to Richard Banester, Esq., says that about Pentecost last, Joan Beckynsall and others entered the Hall of Beckynsall against the will of the said Adam.

John Lethurbaro, aged about 67, tenant of Lawrence Ireland, says that he and Henry Letherbaro, his father, were rent gatherers first to Henry Beckynsall, Geo. B., Edwd. B., Hen. B., and Eme. B., of all the lands called Beckynsall lands, in Haghton, which are of the yearly value of £5.

Richard Thorton, "Charterer" to the heirs of Beckynsall, of a parcel of land, aged 60 and more, says that the said Joan B. entered the said Hall of Beckynsall and put in one Brerewood and his wife.

Edmond Sutton, tenant to Henry Beckynsall, aged 60 and more, says that the lands of Beckynsall [Beconsall] and Esket [Hesketh] after the old extent are of the yearly value of £10. Sir Robert Smythe, chaplain, delivered possession to Sir Henry Faryngton, Knight, in his house, in the lifetime of Edward Beckynsall, and caused the said deponent, his wife, and children to go out until possession was delivered. The said Adam B. received the profits of the said lands.

Henry Walbanke, tenant to the King, aged 40, and Jeffray Wildyng, tenant to Andrew Barton, Esq., aged 40, as above.

William Catterall, tenant to the heirs of Beckynsall, aged 60 and more, as above.

Depositions on behalf of Joan and Dorathe Beckynsall.

Richard Coke, tenant to the King, aged 52 and more, says that on Corpus Christi Eve last, Adam Beckynsall, plaintiff, Thomas Banestur, and William Fyllypson came to Penmerden [Penwortham] fold where deponent was "pynner," and there demanded 6

"key" and a horse that were distrained by the said Joan. Deponent asked whether they had a repleve, as he desired a copy of it : this they refused, and immediately opened the gate of the said pound and took their cattle away.

Alis Bruer, wife to James Bruer, and servant to the said Joan, aged 40 and more, says that on Monday next after St. Bartholomew's Day, about the sun rising, Adam Beckynsall broke into the said Hall, deponent and her children being in bed, put deponent "doune at a staire" and hurt her so much that she is still maimed, and then put her and her children out of the said house.

The answer of Joan Beckynsall, widow, to the Interrogatories of Adam B.

Joan, mother of the said Dorothy, says that since the birth of her daughter, the said Adam has not received any profits from the manor of Beckynsall.

Deponent has received certain rents as "garden in socage" to the said Dorothy, and in her name distrained certain cattle upon the said day.

[The rest of the answer is illegible.]

DECREES AND ORDERS, HENRY VIII. BK. 7. FO. 109^b.

TRINITY TERM, 33 HENRY VIII. [1541].

Articles of an order taken in the Duchy Chamber, concerning Bekensawe [Becconsall] lands for the possession until the title now in variance be tried.

In primis, that Adam Beckenshaw shall enjoy as much of the lands comprised in his tailed deed in the towns of Bekensawe [Becconsall], Hesketh, and Aghton [Aughton], as was not in jointure or dower when the said Dorothy was born, and except lands of the yearly value of 40s. willed to the said Adam for term of his life by Edw. Bekensawe, his father.

Item that Dorothy shall enjoy all the lands tailed to George Bekensawe and to the heirs general, except such lands as are comprised in the old gift made to the heirs male.

Item the said Dorothy shall enjoy all the lands taken in exchange that are in the said deed of entail made to George.

Item the said Dorothy shall enjoy all such lands in Bekensawe, Hesketh, and Tarleton, as are purchased by Elizabeth, late wife of John Coller, since the deed in tail to the heirs male.

p me Johem Boys.

THE PARISHIONERS OF ULVERSTON PRAYING THE KING TO MAKE
GRANT OF TIMBER FROM CARTMELL TO RE-EDIFY THE PARISH
CHURCH AND STEEPLE DESTROYED BY TEMPEST.

To the Right Honorable the Earl of Southampton.

Vol. xxxvi.
[Calendar 30.]
U. I.
32 Hen. VIII.
[1540-41].

THE poor parishioners and inhabitants of the parish of Ulverston in Furness, in the county of Lancaster, late appropriate to the late Monastery of Connyshed [Conishead] now dissolved, complain that where by the great violence of "Tempestuous wyndes and wedders" the steeple of the Church of Ulverston was blown down in such wise that in its fall it utterly destroyed the Church, leaving no part thereof standing, so that they have never since been able to have divine service ministered there, neither will be able to do so until the same be rebuilt, which, on account of their great poverty, they cannot do without great help, to their great "hevynes" and discomfort. And forasmuch as the said Church and parsonage, by reason of the dissolving of the said late Monastery, have come into the hands of the King, may it, therefore, please your lordship to move the King that it may please "his most Roiall Maiestie of his most noble and habundaunt goodnes and charitie" to give to them sufficient timber for the rebuilding of the said Church and steeple to be taken within his Majesty's lordship of Cartmell and elsewhere there near adjoining, to address his warrant for the same, and to extend his charitable alms for the same.

U. I. a.

* [No heading.]

Where heretofore we have been credibly informed that the parish Church of Ulverston in Furness, and the chancel of the

same now appertaining to Us as parcel of the possessions of the late Monastery or Priory of Conyngeshedde lately dissolved, is wholly and utterly "prostrate" and fallen down to the ground by "sundeyn" chance of the "weyke and disceitefull" foundation of the old steeple which stood in the midst of the said Church, and by the fall whereof the residue of the said Church and chancel was broken down. The late Priors of Conyshed always used to maintain the said chancel at their own costs, and the whole parish upheld the rest of the said Church; whereupon, at the humble suit of our tenants and inhabitants there, we have signified Our pleasure therein to Our Chancellor of the Duchy of Lancaster that We had determined that the said chancel should be rebuilt at Our charges and that Our said tenants should have — oak timber trees towards the re-edifying of the said Church: Whereupon, Our said Chancellor has directed his commandment to you Nicholas Thorneburgh, John Sawraa, and William Rawlynson for the accomplishment of the premisses: We are now informed that you have set in hand the rebuilding of the said chancel on Our behalf: We, willing the same to be finished the proportion and fashion in which it is begun, command you to take stone convenient for the same at Our manors and late Monasteries of Furness and Conyngeshedd [Conishead]; also necessary timber as well as the oaks given by Us to the said parishioners from Our woods of the said late Monasteries, and also from those of Cartmell, as well for building as for burning of lime kylnes and other convenient necessities for the finishing thereof. You shall make to Our auditor a just account as well of such money as you shall lay out, with your reasonable costs, as of all the profits of "lopp toppe and barke," &c., as to our use shall arise; upon which account you shall take due allowance in every behalf.

The answer and certificate of Sir John Lamplughe, Knight, Richard Kyrkeby, Hugh Flemyng, and William Bardsey, Esqrs., concerning the viewing of the parish Church of Ulverston in Furness.

U. I. b.

We have been to the said Church and called before us divers of the most honest men of the county, and we certify that the Priors of the late dissolved House of Conyshed [Conishead] always used to maintain the chancel of the said Church at their own costs, and the whole parish upheld the rest of the said Church. The reason of the falling down of the said Church was the "hold stepill" standing in the middle thereof, which was false in the foundation, unknown to anybody, which suddenly fell down carrying with it the whole Church.

For the assurance of these premisses we have subscribed our names, and those of the said honest men, to wit, John Sawray, John Fell, Bryan Fell, John Nownt, Alexander Bankes and Alexander Ryčson.

John Lamplugh, Ryc. Kyrkby, Hughe fflemyng,
Wylm⁹ Bardsay.

- U. 1. c. From the said Commissioners praying the King, in the name of the said poor parishioners, to extend his gracious charity to them otherwise the said Church will never be rebuilt.

At the King's manor of Furness, 13th April.

- U. 1. c. We have "Reteynyd and waged" a mason and a carpenter concerning the rebuilding of the chancel of the Church of Ulverston, the mason to have for his work £11, and the carpenter £5. The residue of the charges with the height, length, and breadth of the said chancel hereafter follow: first for getting and theckynge 4 Roodes of Sclate, 40s., for carriage thereof 3 miles from the said Church of Ulverstone, 20s.; for removing broken timber, stones, and sand from the ground where the said chancel fell, 16s.; for carriage of certain stones from Conyshed [Conishead], which is 1 mile distant from the said Church, and for carriage of stones from the King's manor place of Furness for making the "pyllers" of the said chancel, which is 5 miles from the said Church, 33s. 4d.; for carriage of timber from Connyngshed [Conishead], 16s.; for making the lime kiln in Kertmell, 46s. 8d.; the carriage of the lime to the chancel, which is 3 miles from the same, 20s.; for sand to the same, which is a mile from

thence, 60 quarters, 20s.; for "lattes and stonebroode" 16s.; for iron to the windows, 13s. 4d.; for glazing the same windows: In that we desire to know your lordship's pleasure for having the King's arms and your lordship's set in the same: also for lead to the gutters and "worke of plomber," to know your lordship's pleasure therein. The whole sum, besides the glazing and lead, will amount to about £28 16d.

The north side of the chancel, with the window in the east end, is in compass about $24\frac{1}{2}$ yards. In the south side must be 3 arches, 2 whole pillars, and 2 half pillars. The compass of the west end with the same must be $24\frac{1}{2}$ yards; so that the compass of the whole chancel amounts to 49 yards. The said chancel must be in "brodenes" 9 yards and in length 16 yards, and the walls thereof must be 7 yards in height. There are no pillar stones at Connyngeshed [Conishead], because the said Church "hade never no pyllers" in it before the suppression, but there are enough stones at the manor of Fornes to build 5 or 6 churches. And for the said pillar stones to be had for the chancel we spoke to Sir John Lamdploughe, Knight, asking him on the King's behalf to give us licence to take and carry away stones from hence to the said chancel, but he said we should have none there, therefore your lordship must send a command to the said Sir John about the said stones. We have delivered at Connyngeshed the timber for the said chancel, and at Kertmell [Cartmell] the 20 timber oaks for the parishioners.

From Kertmell, 10th June.

Yours at command under the King's highness.

Nycholas Thornborowe,
by me Wiltm Rawllynson.

RICHARD URMESTON ON BEHALF OF ELEN HOLDEN, DAUGHTER OF NICHOLAS HOLDEN *versus* GEORGE, THE ABBOT OF COCKERSAND MONASTERY AND PETER WILLIAMS IN RIGHT OF HIS WIFE, *re* TITLE TO TENEMENT AND ABBOT'S CLAIM TO JURISDICTION AT WESTHALGHTON [WESTHOUGHTON] COURT AND CUSTOM OF MANOR, THAT A WIDOW SHALL HAVE THE LICENCE OF THE LORD BEFORE MARRIAGE.

To the Right Worshipful Sir Henry Harvey, Knight.

Vol. xxxvi.
[Calendar 30.]
U. 2.
32 Hen. VIII.
[1540-41].

GEORGE Abbot, of the Monastery of Our Blessed Lady of Cokyrlande [Cockersand], in the county of Lancaster, complains that where complaint was made by Richard Vrmeston, gentleman, of the county of Lancaster, on behalf of Elene Holden, daughter of Nicholas Holden, against him and Peris Williamson, about the title and tenant-right of a tenement belonging to the said Monastery, in Westhalghton [Westhoughton], which complaint the said George never saw or heard: whereupon a privy seal was directed to the said Abbot and the said Williamson to appear in the Duchy Chamber in the quindene of Michaelmas next. The said Abbot then caused a court to be held at Westhalghton [Westhoughton], to the intent that the said title and tenant-right might be indifferently tried by the homage there, caused the parties to be called to put their titles to issue, and moved them to abide the trial of the whole lordship, or 24 or 12 of the said lordship, to which issue the said Vrmeston was conformable and the said Williamson obstinate. Moreover, at the same time, the parties were bound by obligation to abide the "ordurr" of 2 friends to a certain day, which friends made no end. A month afterwards the Abbot again called the parties before him to make an end between them. The said Vrmeston came but Williamson wilfully absented himself, wherefore the Abbot proceeded no further therein. The said Williamson claims his title to the tenement in right of his wife, who was a widow and married him without the licence of the said Abbot, whereby she forfeited her right therein.

Prays that the parties may be commanded to abide the trial of the Abbot's court to be held at Westhalghton [Westhoughton], by an indifferent homage as other tenants have done.

p me Georgiū Aßsem de Cokersand.

LAWRENCE RAUSTORNE *versus* THOMAS HOLT *re* TITLE TO MILL CALLED OKYNHEDE [OAKENHEAD] WOOD AND APPURTENANCES CALLED ROCLYFFE [RAWCLIFFE] WOOD, FORFEITED TO THE KING BY ATTAINDER OF THE ABBOT OF WHALLEY.

The answer of Thomas Holte to the bill of Complaint of Lawrence Rawstorne.

DEFENDANT says that he is not guilty of any unlawful assembly, forcible entry, or other misdemeanor. By the attainer of the late Abbot of Whalley for high treason the mill called Okynhedewood [Oakenhead Wood] with appurtenances, and the ground called Roclyff wood came into the King's hands as forfeitures, whereupon John Daunce, Knight, Richard Pollard, and Thomas Moyle, Esqrs., his Majesty's surveyors, by their deed, demised the said premises (*inter alia*) to William Tomlynson for 21 years, who, in turn, granted all his right therein to defendant who accordingly occupied the said mill by one Francesse Gersaie, until the Monday next after Michaelmas Day last, when Laurence Raustorne, Peter Heye and his wife, Richard Heye, and one other to defendant unknown, with force and arms entered the said mill and dispossessed the said Fraunces Gerseye. When defendant heard of it he sent George Aynsworth and John Asheworth to enter the said mill for him, which they accordingly did. Afterwards defendant sent Lawrence Shaye, a miller, to grind corn, and to serve the country there. Then the said plaintiff and 5 other persons came there with great boasting and "braggas," threatening the said miller that if he were to meddle with the water or grind corn there that they would beat him, for fear whereof he dare not grind. The next day the said Rawstorne, John Armorande, Richard Hype, John

Vol. xix. N.D.
[Calendar 3,
N.D.]
R. 3.
33 Hen. VIII.
[1541-42].

Nottawe, Richard Wytworth, Thomas Croshaye, Richard Croshaye, Robert Heye, John Heye, Rauff Heye, husbandmen, Roger Nottawe, smith, Adam Pycote, husbandman, and Raynold Ingham, with 16 others, with force and arms came to the said mill, assaulted the said Lawrence putting him in great fear, broke open the door of the mill and entered the same, whereupon Master Townley and Master Holte, of Stubley, came there with Richard Greenacre, yeoman, to see their force and misdemeanor, whereupon they moved defendant and plaintiff to have a miller indifferently to keep the said mill, until some agreement had been made between them. To this defendant agreed, on condition that the said Peter Heye should not meddle therewith, but as the said Peter did meddle defendant caused him, Laurence Rawstorne, and Richard Heye to be indicted for their misdoings.

DECREES AND ORDERS. BK. 7. F. 202. MICHAELMAS
TERM, 35 HENRY VIII. [1543].

Rossetorne
v.
Holt.

It is ordered that the said Lawrence Rossetorne shall have the said mill according to his said title therein, and that the said Thomas Holt shall have the profits of the said mill until Sunday, the 9th day of December next, and that then the said Lawrence shall enter into the same and take the profits thereof. The said Holt to pay to the said Lawrence 40s. for his costs. The said Holt to discharge the said Lawrence and others of the said indictments for fines.

ISABEL LABARA, WIDOW, *versus* THOMAS GREENOUGHT *re* CLAIM
OF THIRDS IN GOODS AND CHATTELS OF PLAINTIFF'S
DECEASED HUSBAND IN MANCHESTER.

To the Right Hon. Lord Privy Seal.

Vol. xii.
[Calendar 10.]
L. 11.
33 Hen. VIII.
[1541-42].

[ISABEL Labarra, of Manchester, in the county of Lancaster, widow, complains that where in Trinity term last, 32 Henry VIII., it was decreed by your lordship after good deliberation, that plaintiff should have, according to the custom of the said county, her thirds as well of all the goods and chattels personal as of all

chattels real called tackes or leases whereof Robert Labarra, her late husband lately died possessed, and also that Thomas Grenowght, son and heir of John Grenought, of Braddelsume in the county of Lancaster, being the defendant to the complaint of your suppliant in this matter and having in his hands as executor of the said Robert Labarra all the goods real and personal of the said Robert, should deliver to plaintiff the third of all the said goods or else the true and just value thereof; Yet this notwithstanding, the said Thomas, ignoring the said decree, and having in his said possession divers tacks and farms as well in the towns and fields of Manchester as in divers other places in the said county, refuses to give up the said thirds or the true value thereof.

Prays for writ of Privy Seal.

Trinity term, 33 Henry VIII. [1541].

Privy Seal to Thomas Grenehaugh to appear tres^e Michaelmas next.

WILLIAM MOLYNEUX, SIR HENRY FARRINGTON, KNIGHT, AND
OTHERS *versus* SIR RICHARD SMYTHE, PARSON OF BURY, AND
OFFICIAL OF CHESTER, AND OTHERS *re* DEBT AS SURETY,
BURY PARSONAGE AND ELSEWHERE.

*To the Right Hon. William, Earl of Hampton, Lord Privy Seal,
and Chancellor of the Duchy of Lancaster.*

SIR Henry Farington, Knight, complains that where he with
Sir William Molynex, Sir William Laylonde, Knights, and
others, with Sir Edward Molynex, Clerk, deceased, at the special
desire of the said Sir Edward and as surety for him were and still
are bound to Hugh, Abbot of the Monastery of Ridinge [Reading],
by their obligation dated 14th May, 20 Henry VIII. [1528],
jointly and severally in the sum of 1000 marks, upon condition
that they should clearly discharge the said Abbot and the Convent
of the said Monastery against Richard Dudley, Clerk, of an annuity
of £80 sterling, with the arrearages of the same, granted to the
said Richard by the said Abbot and Convent out of their manor

Vol. xii.
[Calendar 10.]
M. 7.
33 Hen. VIII.
[1541-42].

of Cholsey : Now so it is that £220 of the said arrears was unpaid to the said Richard, for the which the said Abbot is condemned in 1000 marks to the executors of the said Richard, by reason whereof the said Abbot has lately arrested plaintiff by a writ pursued in the King's Bench and has condemned plaintiff in £220 and £25 costs : So it is that the said Sir Edward had at his death £440 in goods which has come to the hands of Sir Richard Smythe, parson of Bury, and now official of Chester, Sir Thomas Kirkby, chaplain, and Thomas Mosoke, besides £28 owing to him (Sir Edward) for the tithe corn of Asheton, and £22 for the prebend of Faryngton, 200 "mettes" of barley malt £23 6s. 8d., and 120 "mettez" of oat malt, £6 ; also all pewter, brass, "brandrethes, galbertes, broches, and kechen stuff" by estimation, £20 ; 2 long gowns and 1 short gown at Laythum, £4 ; 6 pair of fine sheets at Laythum, £6 ; certain parcels belonging to the parsonage of Walton, to wit, all corn, grain, hay, hemp, and flax to the value of £66 ; which said corn, &c. should have gone to the payment of Dr. Dudley "for somuche," as the Church and benefice were lawfully bound for the yearly pension of £80, "which is the some" £175 6s. 8d. then parcel of the goods of the said Edward Molyneux, not prised, which have also come into the hands of the said Kirkebye and Mosoke : which whole sum is £615 6s. 8d. which can be sufficiently proved. The said Kirkebye also had in his custody the "vousan" of Warton, which was sold to Sir John Stringer, now parson of Warton, for £40. Plaintiff has often requested the said Kirkebye and Mosoke to discharge the said bond, or else to deliver up the said goods for his discharge, but this they refused to do.

Prays for writ of Privy Seal.

Hilary term, 33 Henry VIII. [1542].

Privy Seal against Sir Richard Smyth, Sir Thomas Kyrkby, and Thomas Mosok to appear "Mense Pasche prox."

MARGARET TRAFFORD, WIDOW, *versus* RALPH TRAFFORD AND
OTHERS *re* ASSAULT AND FORCIBLE ENTRY INTO A HOUSE
CALLED THE GARRET, IN MANCHESTER, AND A MILL
AT CHORLETON.

To the Right Honorable William, Earl of Southampton.

MARGARET Trafford, widow, shows that where she was in
“gode’s peax and the Kynge’s” in her house called the
Garret, in Manchester, in the county of Lancaster, on the 9th of
May last, one Rauff Trafford, her son, accompanied by 9 other
persons, to plaintiff unknown, with force and arms broke open the
door of the parlour of the said house, broke the lock of the said
door with a “Crowe of Iron,” and then brought into the said
parlour where plaintiff did lye certain bedstocks saying, that his 2
serving men should lye there, and because plaintiff resisted his
unlawful purpose, “as by cam hyre for to do,” the said Rauff did
throw down, or did cause to be thrown down to the ground, your
said oratrix, “being natural mother” to the same Rauff, and “hyr
gryvously hurted” in her side and arm, insomuch that one
Edmund Prestwhyche, Esq., and one of plaintiff’s servants picked
her up, and the said Edmund said, “fye, cosyn Rauff, ffe, will ye
kyll your mother? I wyll go away, I wyll not see hyr kyllled,” by
means whereof the said Rauff caused the said bedstocks to be
taken into the hall of the said house, and there his said servants
did lye nightly, and did not repair thither until 12 o’clock at night
or 2 or 3 in the morning.

Vol. xii.
[Calendar 10.]
T. 8.
33 Hen. VIII.
[1541-42].

Besides that, on the 10th of May last, the said Rauff came
again to plaintiff’s house, and in a cruel manner entered a
chamber there and put out 2 of plaintiff’s beds, and commanded
one of his servants, with his wife and 4 children, to lie there,
where they still continue, and rebuked plaintiff with slanderous
words calling her “false quayne, souterly quayne, and carterly
quayne,” with other “approbryouse words, not convenient to be
rehered.”

And the 27th day of May next following, Olyver Fletcher and
Ellys Hall, servants of the said Rauff, at his commandment broke

the mill at Choreleton [Chorlton], which plaintiff occupies every third week as parcel of her dower of the inheritance of George Trafford, her late husband, by composition and agreement of certain gentlemen made between her and her said husband, and then "plucked" out of the said mill Thomas Chorleton, her miller, saying that if he refused to go their master had ordered them to carry him out on a "whyle barrowe."

Moreover, the said Rauff Trafford and Ellys Hall, on the 19th day of April last, set a great mastiff dog on to the kine of your said oratrix at Chorleton, being in the highway there, and thereby put some of the said kine in jeopardy of their lives.

Prays for Letters of Privy Seal.

Trinity term, 33 Henry VIII. [1541].

Privy Seal to Rauff Trafford, squire, Oliver Fletcher, and Ellys Hall to appear on the Morrow of All Souls next.

JAMES WEBSTER *versus* PHILIP AND THOMAS STRANGWAIES *re*
FORCIBLE ENTRY AND TORTIOUS POSSESSION OF CLOSES OF
LAND, BARN, KILN, AND WATERCOURSES IN STRANG-
WAIES [STRANGWAYS].

To the Right Hon. William, Earl of Hamton.

Vol. xii.
[Calendar 10.]
W. 8.
33 Hen. VIII.
[1541-42.]

JAMES Webster, of Manchester, in the county of Lancaster, shows that where one Philip Strangwaies and Thomas Strangwaies, son and heir apparent of the said Philip, by their deeds two whereof are dated 25th March, 31 Henry VIII. [1540], and the other the 15th of October, 32 Henry VIII. [1540], have agreed that plaintiff should occupy for many years yet to come a certain close of the said Philip called Brode lying in Strangwaies; also a close called Great Knolles; a close called Hamme Croft Banke, half a barn, a kiln, and 2 orchards, the corn mill of Strangewaies [Strangeways] with the mill hill and mill dam, the course of water, and all profits, mulctures, and emolument growing of the same, with sufficient "concoures and recoures to and fro the same," to go, lead, drive, and carry at plaintiff's pleasure; and furthermore, that plaintiff should have one-half of all the corn yearly coming of the

said closes by the "manurauns" and sowing of plaintiff, the said corn being measured by hoopes, the other half to be delivered to the said Philip and Thomas, plaintiff paying for the same the rent specified in the said indentures: and also whereas plaintiff at the instant request of the said Philip lent to him out of his "purs" on the 26th February, 31 Henry VIII. [1540], £5 8s. od. sterling, payable at Midsummer then next following: Now so it is, good lord, that the said Philip, being a wilful person, with the consent of the said Thomas, accompanied by divers riotous persons not only forcibly entered into the said premises on the 12th February last and taken away all the corn growing upon the same, to the number of 200 "hoopes" and more, worth £10, preventing plaintiff from occupying the same for fear of his life, but also refuses to repay to plaintiff the said £5 8s. od. which he lent him, to the utter undoing of plaintiff for evermore, unless "socor be unto hym shewed in this behalf."

Forasmuch as the said Thomas and Philip be of great power and kindred in the said county, and plaintiff but a poor man, plaintiff prays for Privy Seal.

Easter term, 33 Henry VIII.

Privy Seal to Philip Strangwyshe and Thomas Strangwysse to appear 15 Trinity next.

RICHARD HART *versus* JAMES HART *re* TITLE TO TENEMENT AND LAND IN WEST HALGHTON [WESTHOUGHTON].

To the Right Hon. William Fitzwilliam, Knight.

RICHARD Hart complains that whereas one Richard Hart, of Westhalghton, in the county of Lancaster, his father, was seised of a certain farm and tenement, in Westhalghton, which was parcel of the inheritance of the late Monastery of Cokersand, now suppressed, and so seised, gave to plaintiff a parcel of the premises, to wit, one place called the new house with certain ground called Over wood and the Lagher wood, and a parcel of ground called the "too Roughe Heyes," and afterwards the said Richard Hart, senior, by his will confirmed the said gift to plaintiff.

Vol. xi.
[Calendar 9.]
H. 10.
33 Hen. VIII.
[1541-42].

Now so it is, that several times since the decease of the said Richard Hart, senior, one James Hart, elder brother of plaintiff, without any right or title, has not only with great force pulled down one dwelling house standing upon the said tenement, but also daily vexes plaintiff in the occupation of the said premises, to his utter undoing, he being very poor, and the said James having many friends, he has not remedy, unless the King's Writ of Privy Seal be directed to the said James.

Easter term, 33 Henry VIII.

Privy Seal to James Hart to appear 15 Trinity next.

II. 10. C.

The answer of James Hart.

Defendant says that Richard Hart, who was father both to him and plaintiff, was seised of the said premises from year to year as tenant at sufferance to the late Abbot of Cokkersand, at the time that plaintiff supposed the said gift to be made, and was never seised of any other estate, and died more than 26 years ago at Hoghtone, in the county of Lancaster, after whose death Cecille, wife of the said Richard, and mother of plaintiff and defendant, entered into the said premises and occupied the same as tenant at sufferance to the said Abbot until 2 years ago, when she died at Hoghton, in the said tenement. After her decease, defendant, being the eldest son, entered into the said premises by the good will of Sir Thomas Langton, Knight, who is the King's farmer of the premises, and has enjoyed the same ever since and paid his rent to the said Sir Thomas.

B. 10. B.

The replication of Richard Hart.

Plaintiff says that the said premises were parcel of the inheritance of the late Monastery of Cokersand now suppressed, and that the gift of the parcel of the same made to plaintiff by his father was made with the assent of the Abbot and Convent of the said late Monastery; and that defendant agreed, before sufficient witnesses, to the gift and will of his said father.

H. 10. a.

The rejoinder of James Hart.

Defendant says that if every thing in the bill were true, "as never one of theym ys, bvt every of theym untrwe," yet plaintiff had no cause to exhibit a bill against him.

EDMUND FLEETWOOD, CLERK, AND OTHERS, EXECUTORS OF
 PETER BRADSHAW, PARSON OF ECCLESTON CHURCH *versus*
 FRANCIS BRADSHAW, ANTHONY LAYTON, AND OTHERS
re CHARGE OF ROBBERY FROM ECCLESTON
 CHURCH, &c.

To the Right Hon. William, Earl of Southampton.

EDMUND Fletwood, Clerk, Thomas Dyconson, and Richard Modye, priest, complain that where Sir Peres Bradshaw, parson of the parish Church of Eccleston, in the county of Lancaster, being "sore syke lyke to depart thys transitoiy lyff," the last day of April, 33 Henry VIII. [1541], ordained plaintiffs his executors: and after the making of his will, in the night then next following, which was the night next before his decease, about "one of the cloke aftur mydnyght," Francis Bradshaw, John Bradshaw, and Michael Aynysworth entered a chapel within the parsonage of Eccleston, and then and there secretly opened a chest of the said parson's and a coffer then standing in the chamber where the said parson died, and took away gold and silver to the amount of £300 or more, besides flaxen sheets and other stuff to the value of £10 or above. The said Peres died 1st May, 33 Henry VIII. [1541] about midnight, after whose decease plaintiffs, as his executors, desired the said Francis and John Bradshaw to give up the said money and goods to plaintiffs to whom the same then appertained by the death of the said testator, whereupon Alexander Bradshaw, with the assent of the said Francis Bradshaw and others, delivered to plaintiffs 5 marks and 11d. parcel of the said money, but the rest of the money Peres Walthew and others refuse to give up, contrary to law, and to the great hindrance of the fulfilling of the will of the said Sir Peres Bradshaw.

Vol. xi.
 [Calendar 9.]
 F 5.
 33 Hen. VIII.
 [1541-42].

[See F. 5. a.]

As plaintiffs do not know the very certainty of the said money nor whether it was contained in purse, bag, or other thing, nor any particulars about the said stuff, they are without remedy by the course of the common law. They, therefore, pray for the King's most dread writs of Privy Seal.

Hilary term, 33 Henry VIII. [1542].

Privy Seal to John Bradshaw, Francis Bradshaw, and Rauff Bradshaw, of Bolton, to mense Easter next.

F. 5. a.

Edmond Fletewood, Clerk, Thomas Dyconson, and Richard Mowdey, executors of the will of Peter Bradshaw, Clerk, parson of the parish of Eccleston, now deceased, complain that where the said Peter was possessed of certain goods, among others, corn and grain growing upon 30 acres of ground, and also of household stuff, which together with the said corn was worth more than £20. Now so it is, that shortly after the death of the said Peter, to wit, in the month of September last, Anthony Layton, and Agnes, his wife, Peres Walthew, clerk, and Alexander Bradshaw, with 10 other riotous persons carried away the said corn and goods from plaintiffs' possession and refuse to restore the same, although frequently demanded so to do. As the said Anthony Layton, Peres Walthew, and Alexander Bradshaw are men of great riches and power, and greatly "frended and alyed" in the said county, plaintiffs are clearly without remedy unless the King's writ of Privy Seal be granted.

Michaelmas term, 33 Henry VIII. [1542].

Privy Seal to Anthony Layton, Piers Walthew, Clerk, and Alexander Bradshaw to appear 15 Hilary next.

THOMAS BISHOP *versus* EDWARD CLAYTON AND ROBERT HODERSALL *re* ARREARS OF RENT OF GLEBE LANDS AND TITHES
OF RIBCHESTER CHURCH.

To the Right Hon. the Earl of Ampton [sic].

Vol. xi.
[Calendar 9.]
B. 20.
33 Hen. VIII.
[1541-42].

THOMAS Bishop, of Westminster, complains that whereas he being parson of the parish Church of Ribchester, within the County Palatine of Lancaster, and lawfully possessed of the said parsonage, demised all the glebe lands, oblations, tithes and profits to the said parsonage belonging to Edward Clayton and Robert Hodersall for certain years now ended, whereupon the said Edward and Robert promised faithfully to pay the rents reserved

upon the said lease for the sufficient repair of the houses and hedges; and also to keep safely the woods belonging to the said parsonage. Now so it is, that the said Edward and Robert contrary to their promise have not only let the said houses and hedges go into decay and destroyed a great part of the said woods, but they also deny the payment of their rent amounting to £10 and more, which was reserved upon the said lease, to plaintiff's great loss.

The said Edward and Robert refuse to make amends for the wrongs they have committed, wherefore plaintiff prays for a Privy Seal to be directed against them.

Hilary term, 33 Henry VIII. [1542].

Privy Seal to Edward Clayton and Robert Hodersall to appear "tres" Easter next.

"Thomas p Epo Wesl."

WILLIAM BOLTON AND OTHER TENANTS OF SALFORD *versus*
WILLIAM ARRAM, MAYOR OF PRESTON *re* EXEMPTION OF
TOLLS AND LASTAGE AT FAIRS AND MARKETS IN
SALFORD AND PRESTON.

To the Right Hon. the Earl of Southampton.

WILLIAM Bolton, of Salforthe [Salford], in the county of Lancaster, yeoman, and Adam Byrom of the same, merchant, complain that where they and all other the inhabitants of the said town have, time out of mind, been used to be "tolle free, and free of pykaige, laste-aige," and all other charges which the lord of any fair or market used to take of any "byers or syllers," of all "burrowes," villages, and towns corporate in the said county, "withowte any manner of money or other thinge paynge for the said wares," as appears by several charters granted to the "prepositors" and inhabitants of Salforthe and their successors, by the noble progenitors of the King's most royal Majesty, whereof one is before the time of man's remembrance: But now of late one William Aram, "Meyre" of Preston, in the county of Lancaster, gentlemen, of his covetous mind, without

Vol. xi.
[Calendar 6.]
B. 24.
33 Hen. VIII.
[1541-42].

any just cause, at a fair held at Preston about the feast of SS. Simon and Jude last past, not only took divers goods of the said Adam Byrome, to wit, 1 brass pan, price 10s., but would not deliver up the same without a gage, and compelled the said Adam to deliver to him 12d. in gage of their said toll, which 12d. he still detains for all such wares as the said Adam brought into the said town of Preston, to the great loss both of plaintiff and all other the inhabitants of Salforthe.

Prays for Privy Seal.

Easter term, 33 Henry VIII.

Privy Seal to William *Aram* to appear in the octaves of Trinity.

WILLIAM DRAPER AND ISABEL, HIS WIFE, *versus* JOHN TETLOW
re TITLE TO TENEMENT IN MANCHESTER.

To the Right Hon. William Fitzwilliam, Earl of Southampton.

Vol. xi.
[Calendar 9.]
D. 3.
33 Hen. VIII.
[1541-42.]

WILLIAM Draper and Isabel, his wife, executors of the last will of Thomas Galey, Clerk, which said Elizabeth was sister of the said Thomas, complain that where Edmund Berdesley, of Manchester, in the county of Lancaster, gentleman, and Agnes, his wife, were seised to them and their heirs of 1 tenement and garden, lying in Markethsted Lane, in Manchester, and so being seised, demised the said tenement and 2 gardens to one William Galey, to hold from the 20th day of June, 12 Henry VII. [1497], for 99 years, paying therefor yearly 13s. 8d., by force whereof the said William Galey was possessed of the premises, whose possession thereof one Thomas Berdesley ratified and confirmed and warranted the same to him as by his deed dated 10th December, 23 Henry VII. [1507], more plainly appears. After the death of the said Agnes, the said William Galey made "grete Costely and Sumptuous byldynges" upon the premises, and appointed one Nicholas Galey, his executor, who, after his death, entered into the said premises and granted all his estate and title therein to Elizabeth Galey, late wife of the said William, if she continually dwelt in the said house in her own proper person. The said Elizabeth afterwards married Thomas

Bekke and they and the said Nicholas by deed granted their whole estate in the premises to Robert Laborer, who re-granted the same to the said Thomas Bekke and Elizabeth, if the latter should die during the said term then the said Robert granted all the said term to William Galey, son of the said Nicholas. The said William made one Thomas Galey, Clerk, his executor and died possessed of the said premises, after whose death the said Thomas entered into the same, ordained plaintiff to be his executor, and died. The said Elizabeth died about last June, after whose decease all the said premises remained to plaintiffs: Now so it is, that one John Tetlowe, who married one of the heirs of the said Edmund Berdesley, the first lessor, together with Henry Cokker has in forcible and unlawful manner entered into the said premises and kept them from plaintiffs.

As plaintiffs are strangers in the said county, and without remedy, they pray for Privy Seal.

Easter term, 33 Henry VIII.

Privy Seal to John Tetlowe and Henry Cokker to appear 15 Trinity next [1541].

The answer of John Tetlawe.

Defendant says that long before the lease supposed to be made to William Galey, one Nicholas Devyas and John Wood, priest, were seised in their demesne as of fee of the said tenement and garden *inter alia*, and so seised, by deed gave the same to the said Edmond Bardesley for his life, with remainder successively to Agnes, wife of the said Edmund for life, to Edmund Bardesley and his heirs, and to the right heirs of one Edmund Bardesley. The said Edmund and Agnes demised the said premises to William Galey for certain years. Edmund Bardesley, senior, died about 16 years ago, and the said Agnes survived him for about a year. After her death, the said premises remained to Agnes Tetlawe, wife of the said John Tetlawe, as daughter and heir of the said Edmund Bardesley, by reason whereof defendant, in right of his said wife, entered into the said premises, without that that the said Edmund and Agnes were seised of the said tenement and garden, &c., &c., &c.

D. 3. a.

ROGER RYSHTON *versus* THOMAS TALBOT AND OTHERS *re* RIOT
AND ASSAULT AT BLACKBURN, CHURCH, AND ELSEWHERE.

To the Right Worshipful Sir John Gage.

Vol. xiv.
[Calendar 13.]
R. 3. B.
34 Hen. VIII.
[1542-43.]

ROGER Ryshton, gentleman, complains that about the 27th July, 34 Henry VIII. [1542], he being in the house of one Nicholas Haworthe, yeoman, household servant of Thomas Talbot, of Haldley [Audley], in Blackburn, in the county of Lancaster, Esq., the said Thomas, accompanied by Richard Parker, gentleman, Nicholas Lyvesay, Hugh ap. Richarde alias Welcheman, William Sharpuls, Thomas Maners, Miles Aspynhalgh, and Nicholas Haworthe, yeomen, with at least 20 others, in manner of war arrayed, in the most riotous manner possible of their "devyllysshe" minds intending to murder plaintiff, assaulted him and with many cruel strokes "bett hym down to the grounde levyng hym there for deade." And as he lay there the said Thomas Talbot said in the most disdainful manner, "Nowe I wolbe sure, and I woll gyve vnto the Ryshton my marke," and thereupon struck plaintiff on his head with his dagger with such force that the dagger broke with the "vehemente strength" of the said stroke. Afterwards the said Thomas showed his dagger to his servants saying, "I have spedde hym, looke, I have broken my dagger in his Braynes, and if my dagger had not byn broken I woulde have stikked the prieste that held me," and with these furious words he departed. And the said Thomas, having grievously offended divers of his poor neighbours and fearing that he would be arrested, on the 11th of July, 34 Henry VIII., obtained a supersidias and afterwards did the cruel deed aforesaid.

On the 28th of January, in the same year, the said Thomas Talbot, with 100 other malefactors, intending to kill plaintiff came to the parish Church of Church, where the said Thomas is not a parishioner, when divine service was done and the parishioners had departed, notwithstanding that he was commanded by the Constables of Church on pain of 1000 marks to keep the King's peace and not to break the said Church, and there with great

force "with the grete barres of a fote stele of the Churcheyarde" broke open the doors of the said Church and of the steeple there, and carried away the evidence of plaintiff's lands and "7 Sallettes, 4 steele Caps, 2 Jakes, and other harnes" of your suppliant's tenants to the value of £10 sterling and more which they had got ready to serve the King, and with which plaintiff and 11 of his tenants served his Majesty in his wars in Scotland this last winter. The said Talbot then "knolled" the bell there to cause a great number of people whom he had unlawfully assembled to come out of the woods there near adjoining where they lay in "Bushementes:" which said riot within half-an-hour was perfectly known to Thomas Caterall, Esq., one of the Justices of Peace, by the credible information of the constables of the said town, and the deputy sheriff there, who would have certified the same if any other of his fellow Justices would do the same, but they all showed such favour to the said Thomas that his misdemeanor was not reported.

Moreover, the said Talbot troubles plaintiff's tenants and will not allow them to come to the market town of Blakeburne, although there is no other market town within 11 miles.

Prays for writ of Commission.

Easter term, 34 Henry VIII.

Bill against Talbot and all . . . w appered by force of a recognisance taken at Lancaster by Justices ther.

The answer of Thomas Talbot, Esq.

R. 3.

Defendant says that any harm that plaintiff sustained in the house of Nicholas Haworthe came of his own seeking, and "in the savegarde of defendant."

Defendant came quietly to the Church called Church Kyrke, by the "gentyll desyre" of Sir Richard Assheton, Knight, to set reasonable orders and quietness between divers of the tenants of the Earl of Sussex then at variance with others within the lordship of Oswaldetwyssell [Oswaldtwistle], within the said parish of Kyrk. Plaintiff, hearing that defendant fully intended to see order restored, on the day of the riot of his "folysshe and unvertuous mynde" undertook to convey 7 bows, 2 sheaves of

arrows, 11 bills, 1 jack, and a great number of stones and other "corrupt" things into the said Church and steeple the night before the said supposed riot, and caused the Curate there in the morning "moche rather" to minister the services of the holy matins and the high mass, disappointing the whole parish, and then locked the doors of the said Church. Defendant, with 5 of his own household servants, like a "symple chrystyan man," according to the desire of the said Sir Richard, came there intending as well to hear divine service as also to fulfil the said commands about 8 o'clock or at the most not "neven,"¹ and found the Church doors locked, whereupon he sent for the keys, but the clerk would not be found, but was secretly conveyed away by plaintiff, to keep sceret both the detestable mind of plaintiff, as also the artillery and harness conveyed into the said Church. Then, without using great force, one of the parishioners opened the Church door without any instrument and without injuring the said door, and then defendant found the said weapons, &c., and commanded the constables to take them into their own possession which they refused to do, whereupon defendant took them to his own house to keep them safely, and to show them to the Justices at the next Assize at Lancaster.

Not knowing how to defend himself, plaintiff first suggested getting Sir Henry Faryngton to "agre the matter" which defendant could not consent to, whereupon plaintiff "dyd make false sclauders open the defendaunt." Without that that defendant make assault on plaintiff, &c., &c.

R. 3. a. . . . Ryout made the nuarii a° Re xxxiiij^{to} by
Thomas Talbot, of Hald and others whose names
doith followe.

Ric. Banaster, gent.
James Garsten, gent.
Ric. Parkare, gent.
Thomas Manar
Robt. Smalley

Laur. Anysworth
Willm. Oldom
John Oldem
Thomas Oldem
Laur. Oldom

¹ Nevene, an old Anglo-Saxon word, meaning to speak or to name "No evylle word to hym ye nevyn."—*M.S. Cantab.* Ff. ii. 38, f. 78.

Hugh Walshman, othwise. ap. Ric.	Thomas Tomlynson
Nich. Lyvesay	Xpof. Baron
John Baron	George Baron
Laur. Dukwroth	Robt. Ryeley
Randyll feylden	Henr. Rielye
Myls Aspynhalghe, senior	George Ryeley, senior
James Sharpuls	George Rielye
Myles Aspynhalghe, yonger	Rauff Dukworth
Ranold Hyndyll	Henr. Cockarre
Thomas (?) Lyvesay	Xpof. Wille(b)yll (?)
Gyls feylden	James Whalley
Thomas Broughton	Robt. Yvonson
Xpof. Broughton	Edmunde Crosley
James Broughton	Edmunde Dukworth
Xpof. Dukworth	Ric. Bower
Thomas Dukworth	Ric. Mokock
Henr. Dukworth	Robt. Chetham
George Dukworth	Xpof. Sharpe
John Dukworth	James Hertley
Ric. Dukworth	Ric. Cockarr
Laur. Bolton	Ric. Catlowe
Ric. Hyndyll	Edward Vnsworth
Antony Hyndyll	George Hyndyll
Henr. feylden	Otwell Hyndyll
Nich. feylden	Alex. Hyndyll
Ric. feylden, ju ^{or}	Robt. Hyndyll
Xpof. feylden	Ric. Baron
Charls. Hyndyll	John Barker
Antony Wytur	Nich. Holkarr
Thomas Pykcopp	James Bulhawghe
Ric. Robt', senior	James Hyndill
Ric. Robt'.	Henry Broughton

by me Roger Rishton.

RICHARD TOWNLEY *versus* WILLIAM RATCLYFF, WILLIAM
LONGLEY, PARSON OF PRESTWICH AND OTHERS *re* TITLE
TO LANDS IN TOWNLEY AND ELSEWHERE.

To the Right Worshipful Sir John Gage, Knight.

RICHARD Townley, Esq., son and heir of Sir John Townley, Knight, deceased, complains that where the said Sir John was seised in his demesne as of feetail by reason of divers ancient

Vol. xiv.
[Calendar 13.]
T. i. D.
34 Hen. VIII.
[1542-43].

entails made to his ancestors of the manors of Townley and Hapton, and 2000 acres of land, meadow, heath, "lynges," and pasture in Townley, Hapton, Cleuysher, Extwysyll Brattclyffe, [Briercliff], Hyrstwood and Wursthorn, in the county of Lancaster, after whose death the said premises descended to plaintiff, as his son and heir. Now so it is, that the said gifts of entail and divers other evidences, and writings concerning the premises have come into the hands of Raff Asshytylworth [Shuttleworth], William Ratclyff, and Anne, his wife, and William Longley, Clerk, parson of Prestwyche, dwelling in the county of Lancaster, and Simon Hacoke, who have not only made sundry secret estates and false conveyance of the said premises to their own uses but have entered into the same themselves and taken the profits thereof, to plaintiff's utter undoing.

Prays for writ of Privy Seal.

Hereupon a Commission to be made.

T. 1.

The answer of Raff Shotillworth, gentleman.

Defendant says that the said Sir John Townley, and Dame Anne, his wife, now the wife of William Radcliff, Esq., called him to them into a "garthyn" in Townley, and gave him one or two boxes with certain evidences therein contained, and the said Sir John then said that certain of the said evidences were for the assurance of the jointure of the said Dame Anne of certain lands and tenements late of his inheritance, and that there were also in the said box certain evidences which he would not trust to be kept by Charles Townley, his second son, nor by Richard Townley, *younger* [*sic*], which to defendant's knowledge were the "tailild dedes." Immediately afterwards defendant went to William Longley, parson of Prestwich, and delivered to him the said box. The said William then examined the said writings to see how many there were, and thereupon wrote a letter to the said Sir John which he sent by defendant.

After the death of the said Sir John Townley, defendant went to the said Dame Anne, at Mitton, she then being in bed in a parlour there, and having on her bed a box wherein were certain

deeds, and asked her in the presence of Elianor Caterall, her sister, what evidences they were, and the said Dame Anne answered that they were entailed deeds, without that that, &c.

The answer of Symond Haydocke.

T. I. a.

Defendant says that in the lifetime of Sir John Townley, Dame Anne Townley, now wife of William Radcliff, Esq., delivered to defendant 1 box and 14 "peces of evidence" as appeared by a bill or letter which was in the said box written by the said Sir John, and directed to William Longlay, Clerk, parson of Prestwiche, asking him to take charge of the said box until the said Sir John sent for it. After the death of the said Sir John, the said Dame Anne sent for the box which he delivered to her in the house of Thomas Caterall, of Mytton, Esq., without that that, &c.

The answer of William Langley, parson of Prestwiche, to the bill of Richard Townley, the elder, Esq.

T. I. B.

The said Sir John Townley and Dame Anne sent to defendant divers evidences at different times, also 2 boxes wherein certain evidences and writings were contained, to keep for them until they should require them again. After the death of the said Sir John, defendant delivered the said boxes to the said William Radclyff and Dame Anne, his wife, at the special request of the latter.

The answer of William Radcliffe, Esq. and Dame Anne, his wife.

T. I. C.

(As in the other answers.)

Writ dated at Westminster, 13th February, 34 Henry VIII. [1543] directed to Sir Thomas Tempest, Knight, Christopher Lyster, Esq., Thomas Holt, Esq., and Robert Holte, Esq.

T. I. E.

We, the said Commissioners, did assemble ourselves at a place in Lancashire called Bruneley [Burnley], the last day of March, 34 Henry VIII. [1543], and called before us the said parties and took the answers of defendant, which we have sent to you (Sir John Gage, Knight) sealed and signed.

T. I. F.

Thomas Tempeste.

Thomas Holt.

Christofer Lister.

JOHN CLAYTON *versus* RICHARD BANASTER *re* TITLE TO PREMISES
WITH OFFICE OF BAILIFF IN HESKEN.

To the Right Hon. Sir John Gage.

Vol. xiii.
[Calendar II.]
C. 3.
34 Hen. VIII.
[1542-43].

JOHN Clayton complains that where Richard Banaster, gentleman, on the 12th June last, in consideration of the sum of 33s. 4d. to him paid by plaintiff, promised faithfully not only to make to plaintiff a sufficient lease and grant of a tenement lying in Hesken,¹ in the county of Lancaster, then in the occupation of Anne, late the wife of Thomas Weyrynge, to hold for 40 years, he paying to the said Richard the yearly rent and service for the same due and accustomed, but also that plaintiff should be his bailiff for the whole term of his natural life, and have the office of bailiwick of all the said Banaster, in the county of Lancaster, he to have yearly for his wages 20s. Now so it is, that the said Richard Banaster refuses to perform either of his promises, although frequently requested so to do.

Prays for remedy.

Hilary term, 34 Henry VIII. [1543]

Privy Seal to Richard Banaster to appear 15 Easter next.

C. 3. a.

The answer of Richard Banaster.

Defendant says that at one time he was content that plaintiff should be his bailiff and gathered the rents from defendant's tenants as long as plaintiff behaved honestly to him, but a short time afterwards plaintiff charged defendant's tenants and farmers not to pay any rents to defendant's use, but to the use of Sir Henry Farrington his master; plaintiff also vexed and troubled defendant's tenants by distresses and menaces, and reviled and "Rebuckfully manassed and sett at nought" the said defendant so that he was compelled to discharge him.

Denies that he promised to make any such lease as in the said bill is alleged.

¹ Heskin, in the parish of Eccleston.

The replication of John Clayton.

C. 3. b.

Denies that he behaved dishonestly to defendant.

The rejoinder of Richard Banaster.

C. 3. c.

Avers in everything as in his said answer.

JOHN NOWELL AND HUGH STANDEN, BAILIFFS OF CLITHEROE
versus RICHARD SHEREBARNE AND OTHERS *re* DISTURBANCE
 OF THE TOWN COURTS AT CLITHEROE.

To the Right Hon. Sir William Fitzwilliam, Knight.

J AMES Nowell and Hugh Standen, late bailiffs of the town of Cliderowe [Clitheroe], in the county of Lancaster, in the name and on the behalf of the "Hole comēns" of the same town, complain that whereas it pleased Henry de Lasy, Duke of Lancaster, one of His Majesty's progenitors, of his bountiful goodness to incorporate the said town by the name of bailiffs and burgesses and comminalty, which has been confirmed from time to time by the Kings of England; and whereas now of late, in Trinity term, 34 Henry VIII. [1542], it pleased the King to confirm the said ancient charter, intending to provide a quietness and order in the said town, nevertheless Richard Shereborne and John Talbot, Esqrs., John Haughton, Richard Gerneacres, gentlemen, and Giles Parker and John Dugdele, with other divers persons, "ryotus estrangers, and not inhabitants, in the said town at his side," Trinity term aforesaid, contrary to the said charter, entered into the said town, kept a court there, and made a commandment that none of the said town should obey the said charter; moreover, they sent for plaintiffs, being then bailiffs, to bring with them the authority of the corporation, and James Nowell, plaintiff, "being a pleyne man myneding no deceyte and trusting on the obediens that every man ought to the Kinge's autorite," showed the said charter and confirmation "upon trust only to se and rede the same," but they, little regarding their allegiance, detained the same, and some of them violently held plaintiff until others of them had procured a warrant of peace against him "being but a poor and an aged person and thretoned hem

Vol. xiv.
 [Calendar 12.]
 N. I.
 34 Hen. VIII.
 [1542-43].

to prison," whereby, for fear of bodily harm, he ceased to demand the said charters, until now of late that plaintiff complaining to your Lordship obtained letters of commandment to them to redeliver the same which they refuse to do.

Prays for writ of Privy Seal.

N. I. b.

BY THE KING.

We charge you to attach and put under arrest and in sure keeping the bodies of John Houghton and John Dugdale until they find sufficient sureties to appear personally before Our Chancellor of the Duchy of Lancaster, at Westminster, in the quindene of St. Hilary next, to answer to certain contempt and other things.

Given at Westminster, 20th October, 34 Henry VIII. [1542].

N. I. a.

BY THE KING.

Whereas We commanded Our Sheriff of the County Palatine of Lancaster, to attach and put under arrest the bodies of John Houghton and John Dugdale in order that they should appear in the quindene of St. Hilary, since which time the said John Dugdale has appeared at Westminster, and made answer, and has made an affidavit in excuse for the non-appearance of the said John Houghton: We will that you, Our Sheriff, stay the execution of Our said commandment, and take the answer of the said John Houghton, in writing, and send the same to Our Palace, at Westminster, in the quindene of Hilary next.

Given at Westminster, 15th November, 34 Henry VIII. [1542].

THOMAS MAWDSLEY *versus* JOHAN ASSHETON, WIDOW, AND
OTHERS *re* TITLE TO MESSUAGE, &C., CALLED COWKYS
HOUSE, IN MAWDSLEY.

To the Right Hon. Sir John Gayge, Knight.

Vol. xiv.
[Calendar 12.]
M. 7.
34 Hen. VIII.
[1542-43].

THOMAS Mawdsley complains that where one Hugh Hashton [Assheton], Clerk, his uncle, was lawfully seised in his demesne as of fee of 1 messuage and tenement with appurtenances called the Cowkys Howse, in Madsley [Mawdsley],¹ in the county

¹ In parish of Leyland.

of Lancaster, and so seised, the said Hugh Asheton, by his will, bequeathed the same to James Asheton, his brother's son, and to the heirs male of his body, and for default of such issue to plaintiff being sister's son to the said Hugh and to his heirs for ever, which said will is dated 7th December, 1522.

Immediately after the death of the said Hugh, the said James entered into the said premises and died without heirs male of his body, by reason whereof the said premises came to plaintiff. Now so it is, that Joan Asheton, widow, Richard Asheton, and George Nelson have not only craftily and wrongfully intruded and "abatid" into the said premises, and taken the profits thereof, but have also got into their hands all the evidences and deeds touching the same, by reason whereof they have made sundry conveyances thereof to divers persons, which they refuse to give up, to plaintiff's utter undoing.

Prays for writ of Privy Seal.

Hilary term, 34 Henry VIII. [1543].

Privy Seal to Joan Asheton and Richard Asheton to appear
13 Easter next.

The answer of Richard Asheton.

M. 7. a.

Defendant says he is not tenant of the freehold of the premises contained in the said bill, and has never meddled with the possession or profits thereof since James Asheton died, or detained any evidences relating thereto. Without that that Hugh Asheton, priest, was seised of the premises, &c., &c.

TENANTS OF WHITEBECK AND KYNTEMOUNT (IN CUMBERLAND)
versus RICHARD LATAS, BAILIFF, AND SIR JOHN HUDDULSTON,
KNIGHT *re* TITLE TO PASTURE IN RIGHT OF LANDS HOLDEN
OF CONYNGESHEDE [CONISHEAD] MONASTERY.

IT is informed to this honourable Court that where the King in right of the late Monastery of Conyngshed [Conishead], in the county of Lancaster, now dissolved, is seised of certain mesuages, lands, and tenements, in Whitbek and Kyntmount, in

Vol. xiv.
[Calendar 13.]
S. 5.
34 and 35
Henry VIII.
[1543.]

the county of Cumberland, as the late Prior and Convent of the said Monastery, were thereof seised at the time of the dissolution : Now so it is, that one Richard Latas, bailiff to Sir John Huddulston, Knight, since Michaelmas last, has commanded John James and other the King's tenants and farmers of Kyntmount upon pain of 40s. to take away their sheep and cattle pasturing there, without just cause, and has otherwise molested one — Postelthwayte, the King's tenant at Whitbek, of His Majesty's farm and lands there.

Also where the said Sir John Huddulston and his ancestors, time out of mind, have been used to pay to the late Priors and Convent of Conyshedd a yearly rent of 3s. for his lands in Whitbek. Now the said Sir John refuses to pay the same and is in arrears for 7 years.

Forasmuch as the said Sir John

[Here the document ends abruptly.]

S. 5. a.

The answer of Sir John Hooddylstone, Knight.

Sir John says that he has certain lands in Whitbek and Kyntmount of his own inheritance whereof he is seised in his demesne as of fee and whereof he takes the profits accordingly, but he neither has, nor claims to have, any right or interest in any of the King's lands there which were in the possession of the said Prior and Convent of Conyshed when the said Monastery was dissolved, without that that the said Richard Lattes, defendant's bailiff, has commanded John James and others to take away their sheep, &c., &c., and without that that the said Prior has been from time immemorial seised of the said yearly rent of 3s. by the hands of the said Sir John Hooddylstone and his ancestors, for the said lands.

S. 5. b.

The answer of Richard Latous.

Defendant says that Sir John Huddelston is seised of 200 acres of pasture in Whetbek and Kydmount in his demesne as of fee, and as the said sheep were pasturing thereupon, defendant, as servant to the said Sir John, commanded the said John James to drive them away, without that that defendant commanded him to drive any sheep out of the King's lands there.

It is true that the said Prior in right of the said Monastery was seised of the said 3s. of rent going out of certain of the said Sir John's lands in Whitbek; and the said Sir John was seised of a cottage in the said town of Whitbek, of the yearly rent of 2s. in the occupation of Thomas More; and as the said cottage was more profitable for the said Prior than for the said Sir John they exchanged the said cottage for the said rent.

Defendant says that there is no tenant of his Majesty in Whitbek called Postelwayte, and that he (defendant) has not troubled any of the tenants there.

JOHN BOLDE *versus* EVAN EYTON AND OTHERS *re* CLAIM TO RIGHT OF WOOD FOR FUEL IN BYRCHELEY MANOR.

To the Right Hon. Sir John Gage, Knight.

JOHN Bolde, Esq., and Elizabeth, his wife, complain that whereas they are seised in their demesne as of fee, in right of the said Elizabeth, of the manor of Byrcheley, among other lands and tenements, in the county of Lancaster, parcels of which manor are certain acres of wood called Hugh Wood, where plaintiffs have been accustomed to take wood for their necessary fuel in the said manor: But now of late, to wit, on the 10th day of January last, certain of plaintiff's servants went towards the said wood to carry away the wood felled there, when Ewan Eyton and Lawrence Robby, with about 6 other riotous persons, at the unlawful command of Lawrence Eyton, stopped them and forbade them to carry away any wood, and still refuse to allow them to do so, to the great loss of your orators.

Vol. xiii.
[Calendar 11.]
B. 2.
35 Hen. VIII.
[1543-44].

Prays for Privy Seal.

Hilary term, 35 Henry VIII. [1544].

Privy Seal to Lawrence Eyton, Ewan Eyton, and Lawrence Roby to appear 15 Easter next.

HUGH ASCUE *versus* JOHN LAMPLUGH *re* CLAIM OF RENT OF
DALTON PARSONAGE.

*To the Right Hon. Sir John Gage, Knight, Comptroller of the
King's most honourable Household and Chancellor of the
Duchy of Lancaster.*

Vol. xiii.
[Calendar II.]
A. 2.
35 Hen. VIII.
[1543-44].

HUGH Ascue, Esq. complains that whereas he holds of the King the parsonage of Dalton, with all the tithes, oblations, and all other profits thereto belonging, parcel of the possessions of the late Monastery of Furness, in the county of Lancaster, by indenture dated 14th November, 31 Henry VIII. [1539], for certain years yet to come, paying therefore yearly £50, all which possessions of the said late Monastery are now annexed to the King's possessions of his Duchy of Lancaster. Now so it is, that plaintiff has demised to one John Lamplugh, Esq. the said premises by indenture dated 19th April, 34 Henry VIII. [1543], to hold from the feast of St. Michael the Archangel then next following, for the term of 12 years, paying for the same a certain yearly rent by them agreed upon. The said John has accordingly taken the profits of the said premises and now owes plaintiff one year's rent which he refuses to pay, to plaintiff's great loss as he stands charged to the King for the said rent.

Prays for Privy Seal.

Michaelmas term, 35 Henry VIII. [1543].

Privy Seal to John Lamplugh to appear *tres* Hilary next.

And the said Hugh Ascue promises to pay the rent and arrears which he owes to the King before Ladyday next.

ROBERT AYNESWORTH *versus* LAURENCE BRADSHAW AND OTHERS
re RIGHT OF WAY AND WATERCOURSE THROUGH LANDS CALLED
THE WOOD AND MARLEDERTH, IN AYNESWORTH TOWNSHIP, MID-
DLETON, AND BRIGHTMETE [BRIGHTMET].

To the most Hon. Sir John Gage, Knight.

Vol. xiii.
[Calendar II.]
A. 4.
35 Hen. VIII.
[1543-44].

ROBERT Aynesworth complains that where he was seised in his demesne as of fee, by lawful conveyance to him "lynally" descended from his ancestors whose heir he is, of a

parcel of land containing about 26 acres, called the Wood and Marled Erth, lying in the township of Aynsworth, within the parish of Middleton, in the county of Lancaster, and plaintiff and all his ancestors, being so seised, have always had a "broke and other lytill pyrles"¹ of water running through and over the said premises, to the great profit of plaintiff and to the bettering of the said land: But now of late one Laurence Bradsha, of Breghtmete [Brightmet], a man of great substance, Elys Lummas, Jeffrey Holme, and Joan, late the wife of Thomas Aynsworth, of Breghtmete, widow, have several times since the 1st day of December, 34 Henry VIII. [1542], of covetous minds, for their own lucre, turned the said course of water out of the right course and caused it to run through their own lands, to plaintiff's great hindrance.

As plaintiff is a poor man, he prays for remedy against the said Lawrence, Elys, Jeffrey, and Joan, who are "gretly frynded and alied" in the said county.

Trinity term, 35 Henry VIII. [1543].

Privy Seal to Laurence Bradshawe, Elys Lummas, Jeffrey Hulme, and Joan Aynsworth to appear tres^e Michaelmas next.

The answer of Lawrence Bradshaw.

A. 4. a.

Defendant says that the matters and surmises in the said bill contained were ordered and agreed long before the said bill was exhibited by Sir Richard Asheton, Knight, Andrew Barton, Rauffe Asheton, Esqrs., Thomas Holond, Lawrence Bronelow, and Roger Bronelow, gentlemen, arbitrators indifferently chosen with the assent of both parties, as more at large appears by their award, ready to be showed in writing, which said award defendant is always ready to perform.

Ellyce Lummaxe makes like answer.

These answers, aforesaid, we, Thurstan Tyldysley and Robert Holt, Esqrs., took at Manchester, 16th June, 36 Henry VIII. [1544], by virtue of the King's Commission to us directed dated at Westminster, 12th February last.

Thurstan Tyldisley,
Robert Holt.

¹ A *Pirle* is a small brook.

A. 4. c. Writ directed to Thurstan Tyldysley, Esq., and Robert Holt, Esq., dated at Westminster, 12th February, 35 Henry VIII. [1544.]

A. 4. b. The replication of Robert Aynsworth.

Plaintiff denies that the matters in the said bill were ordered and agreed as defendant alleges, &c.

DECREES AND ORDERS, HENRY VIII. VOL. 3. FO. 271.

It is ordered that as it plainly appears that plaintiff has good title to the premises, the defendants shall, at their own costs, before the feast of the Annunciation next to come, turn the said water and pirls into the right course, and into the place where it ran over plaintiff's grounds, until defendants can provide themselves with sufficient title to the said water.

SIR JOHN DERCY, KNIGHT, THE KING'S CONSTABLE *versus*
RICHARD TOWNELEY, THE ELDER *re* SEDUCING THE
KING'S SUBJECTS FROM ALLEGIANCE IN
BLACKBURNSHIRE.

To the Right Worshipful Sir John Gage, Knight.

Vol. xiii.
[Calendar II.]
D. 5.
35 Hen. VIII.
[1543-44].

SIR Arthur Dercy, Knight, High Steward of Blakeburnshire, in the county of Lancaster, complains that where his Majesty by Letters to him directed, dated June last [1543], commanded him not only to prepare himself, but also to put in readiness a certain number of able men sufficiently furnished to serve his Highness in his wars beyond the seas, the said men to be levied upon such rule as plaintiff has under the King, by virtue whereof plaintiff, by Richard Sherburn, Esq., his deputy within the said liberty of Blakeburnshire, caused open nomination to be given to the King's subjects there, as well in the churches openly as otherwise, according to the ancient custom there used in such cases, commanding them to appear at places limited to take the musters. Immediately after the said commandment so published in the Church at . . . one Richard Towneley, the elder, Esq., in his own person, being one of the King's copyholders,

openly in the said Church upon the Holy day gave contrary commandment to his tenants and servants and also to the occupiers of certain of the King's own possessions, whereof the said Townley is only farmer, for a term of years, telling them not to appear at the said Musters, nor to do any service at the command of the said steward. And whereas the said deputy had appointed certain persons by name whom he thought most convenient to serve the King in the said voyage. Edward Radclif, Esq., John Grenehalgh, Esq., Robert Holt, Esq., Alice Radclyf, widow, and Gyles Colthirst, of Stondon [Standen], not only commanded their tenants so appointed not to obey the said steward, but also told them to make "rescous" upon the constables executing the said commandment, by reason whereof a great part of the King's subjects in those parts were encouraged to withdraw their duties of old time accustomed in diminishing the ancient liberties of the said Duchy.

Prays for Privy Seal.

Michaelmas term, 35 Henry VIII. [1543].

Hereupon attach to the said persons to appear on the Morrow of the Purification next, directed to the Sheriff of Lancashire.

THOMAS KYRKBY, CLERK, AND HUGH ASMOLL *versus* RICHARD CROFTON AND JAMES HALSALL *re* ARREARS OF RENT OF A TENEMENT AT MALE [NORTH MEOLS].

To the Right Worshipfull Sir John Gage, Knight.

SIR Thomas Kyrkby, Clerk, and Hugh Asmoll complain that where one Henry Hulme being seised of a certain tenement with appurtenances, parcel of the Duchy of Lancaster, lying in the parish of Male [North Meols], in the county of Lancaster, in the tenure of one Richard Crofton of the yearly value of 26s. 8d. for his natural life, of the gift of Edmond Hulme, his father, by deed about 2 years ago, sold the said tenement to the said Sir Thomas and Hugh Asmoll for the natural life of the said Henry for a certain sum of money whereof they paid £4 in hand, and are ready to pay the residue at certain days agreed upon, by force

Vol. xiv.
[Calendar 12.]
K. 2.
35 Hen. VIII.
[1543-44].

whereof they were so seised accordingly. Now so it is, that plaintiffs, about the 10th of May last, came to the said tenement at Male [Meols] and demanded their said rent then due of the said Richard Crofton for the premises, which he refused to pay, whereupon plaintiffs distrained in the said tenement certain goods of the said Richard for their rent, and the said Richard Crofton, and one James Halsall, with 10 other riotous persons, riotously and with force of arms made "rescous" and would not suffer plaintiffs to have the said distress, but took it from them with force.

Pray for Privy Seal.

Michaelmas term, 35 Henry VIII. [1543].

Privy Seal to Richard Crofton and James Halsall to appear 8 Hilary next.

ELICE WITACRE AND OTHERS *versus* SIR THOMAS SHERROK,
PRIEST, AND OTHERS *re* CLAIM TO LEGACY OF GOODS
AND CHATTELS AT FOX DENTON.

To the Right Worshipful Sir John Gage, Knight.

Vol. xiv.
[Calendar 13.]
W. 8. *α*.
35 Hen. VIII.
[1543-44].

ELYS Whetacre, John Wheacre, and William Wheacre complain that where about 14 years ago one Thomas Whitacre, of Fox Denton, in the county of Lancaster, grandfather to plaintiffs by his last will bequeathed to plaintiffs and to James Wheacre, junior, their brother, then being under age, £14 sterling to be delivered to them at their ages of 21; and further willed that the residue of his goods should be divided amongst plaintiffs, and then made William Scolles and John Wheacre executors. Soon afterwards the said John Wheacre (one of the executors), died, and then there arose controversy and strife about the non-payment of the legacies to plaintiffs, whereupon they and the executors agreed to abide by the award of Nicholas Whithed, Nicholas Cowper, priest, James Blemeley, Arthur Ogden, John Meller, and Thomas Scolys, who, about the 21st year of the reign of King Henry VIII. [1529-30] decided that the said testament should be delivered to Sir Thomas Sherok to keep safely until the said executors should have paid the said legacies to plaintiffs, but

the said Sir Thomas, intending to deceive plaintiffs, has given over the will to the said executors, although the said legacies have not been paid.

Plaintiffs pray for writ of Privy Seal, Hilary term, 35 Henry VIII. [1544].

Privy Seal to T. Sherok to appear 13 Easter next.

The answer of Thomas Sherok, Clerk.

W. 8.

Defendant says that not knowing that the said Thomas Wheatacre, by his will, gave to plaintiffs and their brother the said legacies at their ages of 21, &c., &c., as in the said bill is contained. Defendant never received the will of the said Thomas Wheatacre, but the will of one James Wheatacre by the hands of Thomas Ratclyffe, in order to make a copy thereof, which he then returned to the said Thomas, without that that it was awarded that the said Will should be given to defendant to keep, &c., &c.

The replication of Elis, John, and William Wheatacre.

W. 8. b.

Plaintiffs repeat what they said in their said bill, without that that defendant received the will of James Wheatacre from Thomas Radcliffe, &c., &c.

The rejoinder of Thomas Sheroke.

W. 8. c.

As in his answer.

RICHARD TOWNLEY *versus* JOHN TOWNLEY *re* DETENTION OF
TITLE DEEDS AND TORTUOUS POSSESSION OF MESSUAGE AND
LANDS AT HAPTON, CLEVICHER, AND BRERECLYFFE.

To the Right Hon. Sir John Gage, Knight.

RICHARD Townley, son and heir of Sir John Townley, Knight, complains that where the said Sir John was seised in his demesne as of fee of 16 messuages and 400 acres of land, meadow, wood, and pasture, with the appurtenances in Hapton, Clevicher, and Brereclyffe, in the county of Lancaster, which, after the death of the said Sir John, descended to plaintiff.

Vol. xiv.
[Calendar 13.]
T. 4.
35 Hen. VIII.
[1543-44].

Now so it is, that certain evidences, deeds, and chartes concerning the premises have come into the hands of one John Townley,¹ gentleman, brother of the said Sir John, who by reason thereof has entered into the said premises and will in nowise allow plaintiff to occupy the same.

Prays for writ of Privy Seal.

Hilary term, 35 Henry VIII. [1544].

Privy Seal to John Towneley to appear 15 Easter next.

DECREES AND ORDERS, HENRY VIII. VOL. 7. F. 79.

Inter Townley
et Townley.

Forasmuch as John Townley, Esq. exhibited a bill against Richard Townley, Esq., son and heir of Sir John Towneley, Knight, surmising that where the said Sir John, brother to plaintiff was seised of certain lands and tenements of the yearly value of 33s. 2d. in Hapton, in the county of Lancaster, late in the occupations of Christofer Hegh and George Pollard, and so seised, gave the said premises (*inter alia*) to Sir Robert Nevell, Knight, for the use of the said Sir John for his life; after his decease to the use of Charles Townley, younger son of the said Sir John, for his life; and after his decease to the use of plaintiff. The said Charles soon after died, and after the death of the said Sir John, plaintiff² entered into the said premises until the said Richard expelled him. Plaintiff showed a deed of feoffment, sealed with the arms of the said Sir John, which defendant could not deny, wherefore it was ordered that plaintiff should peaceably enter the said premises and occupy and enjoy the same for his life, until the said Richard Townley can show a good title to the said premises.

¹ It was not often that two brothers were of the same christian name, but cases are occasionally met with in old wills, &c. This second John is not recorded in the Herald's Visitation.

² The plaintiff here is John Townley.

DOROTHY FARYNGTON, WIDOW, WILLIAM FARYNGTON, WILLIAM CHARNOKE, AND SIR HENRY FARRINGTON, KNIGHT, THE KING'S STEWARD *versus* RICHARD FARYNGTON, PETER FARRINGTON, AND OTHERS, *re* CLAIM TO MANORS AND RIGHT OF RAISING MEN FOR THE KING'S SERVICE IN WHITTLE, FARYNGTON, LEYLAND, AND ELSEWHERE.

The answers of Rycharde ffaryngton, Wylliam Wryght, and Thomas Banaster, defendautes, to the byll of compleynt of Dorothe ffaryngton, wydow, and William ffaryngton.

Vol. ix.
[Calendar 7.]
F. 5.
35 Hen. VIII.
[1543-44].

DEFENDANTS say that the matters contained in the said bill are set forth to put them, being very poor men, to wrongful vexation and costs.

As to any riot, unlawful assembly, force and arms, or misdemeanour, defendants are in nowise guilty thereof. They suppose that the said Robert Faryngton is lawfully possessed for the term of divers years yet enduring of the said barn mentioned in the said bill, commonly called Whytoll barne, and of the tithe corn and grain yearly arising within the said town of Whyttyll in the "Wuddes" [Whittle le Woods], by force whereof the said Robert Faryngton commanded Roger Faryngton to hire defendants quietly to enter the said barn and to thresh the said corn and grain, which they accordingly did, without that that the said plaintiffs are 2 of the executors of the said Henry Faryngton, or that plaintiffs were possessed of the said corn and grain in sheaves, being of the value of £50, as of their proper lands (?) in common, or have the said barn in common in Whytyll in the Wuddes, in the county of Lancaster.

The answer of Richard Faryngton and Robert Lancaster to the information of William Faryngton and William Charnoke.

F. 5. a.

Defendants say that the said information is exhibited against them by the procurement of Sir Henry Farington, Knight, of his "great and extreme malice," to their utter undoing.

The said Richard Faryngton says that he is possessed of one tenement with the appurtenances, lying in Hesdyn, from year to

year, parcel of the inheritance of the said Richard Banester, for which tenement he pays yearly to the said Richard Banester 4 marks, and to Sir William Molleneux, Knight, for the chief rent going out thereof 4s. 3d., by virtue whereof defendant has quietly enjoyed the said tenement as tenant and farmer thereof for about 14 years, without let until now of late that he has been interrupted therein by the procurement of the said Sir Henry Faryngton.

The said Robert Lancaster says that he is possessed of another tenement with appurtenances, lying in Heskyn, which he occupies as farmer and tenant to the said Richard Banester, paying yearly to the said Richard 12s. 6d., and 6s. 6d. yearly to the King for the chief rent, without that that the said defendants, by force or otherwise, occupy certain improvements and houses lately built and improved upon [part of this document is illegible] and without that that

F. 5. b. The answer of Richard Walmesley to the information of William Faryngton and William Charnoke.

Defendant says that the said information is exhibited into this court by the said William Faryngton, being of the age of six years and not more, and by the said William Charnoke, household servant to Sir Henry Faryngton, Knight, by the procurement of the said Sir Henry.

For further answer defendant says that for about 30 years he has had turves in Penwortham moss to burn in his dwelling house by the demise of the "mose reve" of the said moss, and has paid yearly to the King for the farm thereof 7d., by reason whereof defendant entered into the said turbary and dug turves there "withowt denyall of any man," till now of late that the said Robert Ashton, mentioned in the said bill, distrained defendant's beasts in Penwortham moss, which he had brought there with a "weyne" to carry away turves as he was accustomed to do, and impounded the same in the King's pound there, whereupon defendant sued for a replevy which the said Robert would not obey, but detained the said beasts "mawgre of the Shreve his offic," having authority by the Shreve to make delivery to the said

defendant of the said beasts. Thereupon defendant obtained a "wythernam"¹ against the said Robert Ashton, which he would not obey, but made "Rescus" to the Shreve's officer, wherefore defendant commenced an action against the said Robert at Lancaster before the Justices of Assize who ordered that defendant should have delivery of his beasts. Defendant then went to Walton where his said beasts were pasturing on the common and took them away. Without that that defendant by the commandment of the said Richard Banester ever entered the King's turbary of Penwortham, &c., &c.

F. 5. c.

Information for the King given to the Right Hon. Sir John Gage, Knight, Chancellor of the Duchy of Lancaster, by Sir Henry Farrington, Knight, the King's steward and officer of his manors and lordships of Penwortham, Ulveswalton, Eccleston, Heskin, Leylond, and other lordships, being members of the said manors against Perys Farrington, Rauf Gregson, John Fidler, John Ackinge, Wylliam Symonde, Henry Fidler, Brian Whitell, William Clerkson, William Runcorne, John Ridynge, Thomas Weredyn, William Cleyton, John Meyreley, John Busshell, Thomas Symounde, and other persons unknown, of their riotous assembly "in Herneys," within the King's lordship, contrary to his grace's laws and their bounden duty of allegiance.

First. The said Perys Farrington on the 4th day of August, 34 Henry VIII. [1542]. and on divers days, both before and after, at Faryngton, Leylonde, Hoghwike, and Longton, unlawfully assembled the said Rauf Gregson and the other persons above named "in Herneys" in manner of war arrayed, to wit, "Jack, sallet, bowe, arroez, swordes, and other waypons defensable," on horseback and on foot, and retained them to be his servants, and forbad them on their peril to wear the "Rede Rose," or be sworn to serve the King under the rule of the said Sir Henry his Majesty's steward there.

Item. About the 20th day of August, the said Piers in like manner unlawfully gathered together "in Herneys" the said Rauf Gregson, &c., and commanded them to be ready to serve Sir

¹ Withernham is the taking away anything distrained.

Thomas Langton, Knight, and wear his "bagge" [badge] "the madinshead,"¹ and not to do the King's service under the said steward. The said Perys and Sir Thomas still detain them, and they wear the badge of the latter.

"Termio Pasche a° rr H. viij. xxxiiij. and xxxv°.

H^upon a privy seale to Peires Farington, John Fyddeler, Rauf grygeson to apper xv. Trinitatis prox."

F. 5. d. The rejoinder of Richard Walmesley to the replication of William Faryngton and William Charnocke.

The said Richard says that the "mose Reves" of Penwortham moss have always been accustomed to demise turves to be taken in the said moss, and have had good and lawful authority so to do, without that that the said Richard ever dug turves there without the assent of plaintiffs, or that he, William Walmesley, James Walmesley, or any others by their commandment in the night or at any other time ever broke into the King's pound, or took away any cattle there being unlawfully impounded, or conveyed any of the said cattle to the dwelling house of the said Richard.

F. 5. e. The replication of Sir Henry Farryngton, Knight, to the answer of Piers Farryngton made against the information of the said Sir Henry.

The said Sir Henry says that everything contained in the said information is true, without that that plaintiff by reason of his "Auncyent age" was discharged from the service of the King in his wars, or that it was lawful for the said Sir Thomas Langton, by reason of the King's Letters to him directed, to retain any of the servants, tenants, or farmers of the said defendant dwelling in any of the King's lordships, in the county of Lancaster, whereof plaintiff is his Majesty's high steward, or that defendant, as servant to the said Thomas Langton and by his commandment might lawfully prepare any of the said Langton's tenants in their best array for the war in any of the said lordships, or that it was lawful in this case for defendant to attend the said Thomas Langton to

¹ One of the crests of the Langton's was "the head of a maiden couped below the shoulders."

Berwike, and so into Scotland, for plaintiff says that he alone or his sufficient deputy has power to lead the persons dwelling in the said lordship to serve the King in his said wars.

The answer of Peris Farryngton to the said information of Sir Harre Farryngton, Knight. F. 5. f.

Defendant says that the said Sir Harre Farynton by reason of his "Awnciente" was discharged of any service to be done by him for the King in his wars, the last time the King's commandments were directed to all the men of worship in the county of Lancaster His Majesty directed his most dread letters of commandment to Sir Thomas Langton, Knight, before the time of the "fenyd" matter supposed in the said information, commanding him to make ready with horse and arms all his servants, tenants, and farmers, and to wait upon the Right Hon. the Duke of "Northefolke for to war at that tyme ayens the Holle power of Scotland," by reason whereof defendant, as servant to the said Sir Thomas, prepared himself and all the tenants in their best array, to the number of 7 persons, besides himself, and attended the said Sir Thomas to Berwyke, and afterwards served the King in his wars at the last, "in vayseon" into Scotland in the "vawnard."¹

The replication of William Farryngton and William Charnock, the King's farmers of the manors of Penwortham, Ulneswalton, Eccleston, and Heskin, on the part of the King, against Richard Bannestur, Robert Lancastur, Richard Farryngton, and Hugh Waterwarde. F. 5. g.

Plaintiffs say that defendants occupy, and have entered and intruded upon, certain lands and . . . which are the inheritance of the King, to wit, a chamber, a stable, and a kiln, and a certain parcel of ground thereto belonging, lying in Heskin, which the said Robert Lancastur has in his possession; a chamber and a little house, with a parcel of ground thereto belonging in the tenure of the late wife of Andrew Waterwarde; a certain house and ground in the tenure of the said Richard . . . and divers other houses, lands, and tenements of the King lying in Heskin, for which premises they refuse to pay any rent or service

¹ *Vaward* = the van or fore part.

By a "substancyall" inquest held at Eccleston and Heskin, all the said premises were found to belong to his Majesty, and the defendants were amerced for occupying the same, and one Robert Sumner, being the King's bailiff there, was commanded to distrain for the said amerciements "as their cattall damage fesant" upon his Majesty's possession there, and the said defendants with strength made "rescows" upon the said bailiff to his great peril, and they repleved such cattle as the said bailiff impounded.

Plaintiff's pray that defendants may be enjoined to pay the yearly rents and profits due to the King.

[Part of this document is torn away.]

F. 5. h.

Information for the King given to Sir John Gage, Knight, by William Farryngton and William Charnok, against Richard Bannestur, Richard Farryngton, Hugh Waterward, Robert Lancastur, and Richard Walmisley of the misdemeanors by them commenced against the King's laws.

First. The said Richard Bannestur, &c., with force occupy certain improvements and houses lately built and improved in the King's waste in Heskin by Thomas Wayrynge and Andrew Waterward, deceased, and will pay no rents for the same. About the roth day of December, Robert Sumpner, the King's bailiff, distrained them as well for their rents as for other amerciements and pains which they had lost in the King's court, His Majesty being seised of all the improvements within the lordships of Penwortham, Osewalton, Eccleston, and Heskin, to the number of 28, and also of all the fines and amerciements there.

Item. The said Richard Walmesley has entered into the King's turbarry of Penwortham and dug turves there to the number of 100 loads without the consent of the farmers there, and when Robert Aghton the King's officer there distrained for "damage fesans" the cattle of the said Walmesley and brought them to the King's pound, the said Richard Walmisley, William, James, and Lawrence Walmisley, and others at their command broke into the fold at night and conveyed the cattle there being impounded to the dwelling house of the said Richard in Walton-in-the-dale, where he still detains them. A few days afterwards the said Richard,

to avoid his misdemeanor, craftily obtained a "replevey with a wethername" against the said Aghtone for the said cattle, and then commenced an action at Lancaster against the said Aghton and had him imprisoned until he had found surety to answer the said action. Neither the said Richard nor any others dwelling in Walton-in-the-dale had any title to have any turbary in Penwortham except for their rent, paying at the will and pleasure of the King.

Pray for Letters of Privy Seal to be directed to the said Richard Bannestur and others.

"Termio Pasche a° 11 H. viij. xxxv.

H^upon a p. s. to Pieres Farington, John Fyddeler, Rauff grygeson to apper xv. Trinitatis prox."

SIR HENRY FARRYNGTON, KNIGHT, THE KING'S STEWARD *versus* RICHARD BANESTUR, AND OTHERS SERVANTS OF JOHN HOWCROFT AND OF THE EARL OF DERBY *re* REFUSAL TO SERVE IN THE KING'S WARS [PENWORTHAM LORDSHIP, &C.]

INFORMATION for the King given to the Right Hon. Sir John Gage, Knight, Chancellor of the Duchy of Lancaster, by Sir Henry Farryngton, Knight, Steward and Officer of his Majesty's manors and lordships of Penwoortham, Ulneswalton, Eccleston, Heskin, Leylounde, and other lordships being members of the said manors, against Richard Bannestur, Richard Farryngton, Robert Prescott, Robert Lancastur, Hugh Waterward, Andrew Waterward, Gilbert Waterward, Jamys Penmerton, Robert Mylner, Robert Wooddes, William Waterward, and other persons unknown of their riotous and unlawful assembly in herneys within the King's said lordships contrary to their bounden duty.

Vol. xiv.
[Calendar 12.]
F. 5.
35 Hen. VIII.
[1543-44].

First. The said Richard Bannestur, the 6th August, 34 Henry VIII. [1542], and divers days before and after, at Eccleston and Heskin, unlawfully assembled the said Robert Lancastur, and others in herneys in manner of war arrayed, as well on horseback as on foot, and detained them to be his servants and forbad them on their peril to wear the red rose, or be sworn to serve the King under the rule and leading of the said Sir Henry.

Also on the 18th August, the said Richard Bannestur assembled the above said persons and conveyed them openly through the King's lordships of Eccleston, Uneswalton, and Leylounde to the township of Walton-in-the-Dale, to the dwelling house of Sir Thomas Langton, Knight, and, in the presence of the said Sir Thomas, commanded them to be his servants and to wear no other "bagge" [badge] but only the "maydinhead"¹ which is the "bagge" of the said Langton; that done, the said Langton detained them and sent them to his manor place of Walton to dine, and after dinner gave them certain sums of money to spend and make merry with on their return homewards, which they did in most "jocunde and hawtiouse" manner, shewing what their master Sir Thomas Langton had given them, and stating that he would take their part in any cause which might be brought against them by the said Sir Henry Farrington or others.

Easter term, 34 and 35 Henry VIII.

Privy Seal to Richard Farrington, Richard Banaster, Robert Lancaster, and Andrew Waterworth to appear octaves of Trinity next.

F. 5. a. The answer of Richard Banaster.

Defendant says that before the last wars and "viage Riall" made into Scotland by the King's lieutenant and divers others of his subjects, one John Howcroft, Esq., now Sheriff of the county of Lancaster, commanded defendant by Letters in the King's name to put in readiness such of his tenants and farmers as were able persons to serve in the wars, by reason whereof defendant with all diligence put in readiness Robert Prescot, Richard of Faryngton, Hugh Waterword, Andrew Waterword, Robert Lancaster, Richard Walmesley, and Christopher Eston, his tenants and farmers, who afterwards served in the late war in the retinue of the Earl of Derby, without that that defendant did "contemptiously, disobedyently, or Rayshely" refuse to obey his Majesty, or caused others not to wear his badge, &c., &c.

[See note on page 186.]

RALPH RATCLYFFE AND OTHERS *versus* OLIVER CROMPTON *re*
 REFUSAL TO PAY PORTION TO THE KING'S SERVICE
 IN HIS WARS.

To the Right Hon. Sir Thomas Gage, Knight.

RAUFF Ratcliff, Hamlett Bebbe, and Olyver Newton complain that whereas for the late "vyage" into Scotland for the King's wars, it was commanded in the King's name by Sir William Fitzwilliam, Knight, then Lord Privy Seal and Chancellor of the Duchy of Lancaster, by his Letters directed to the most "worshipful and substantial" having power in the said county to furnish and put in readiness all such able persons as they could, whether of their own or those over whom they had rule. Now so it is, that there was a Letter directed to Sir Alexander Ratclyf, Knight, Steward of the town of Salford, to put in readiness all the people he could, by virtue whereof he mustered and viewed all the most likely persons in the said town : And whereas it was appointed by the said Sir Alexander that plaintiff and one Oliver Crompton living in Salford should set forth one able person for the wars at their joint cost, to which they agreed, but when the said person was ready the said Oliver Crompton refused to pay his share, contrary to his promise and duty.

Plaintiffs pray for Letters of Privy Seal.

Hilary term, 35 Henry VIII.

Privy Seal to Oliver Crompton to appear 13 Easter next.

Vol. xiv.
 [Calendar 13.]
 R. 10.
 35 Hen. VIII.
 [1543-44].

JOHN HOLCROFTE *versus* MARGARET AND RICHARD BOLD *re*
 BREACH OF MARRIAGE SETTLEMENT [HOLLINGFARE].

To the Right Hon. Sir John Gage, Knight.

JOHN Holcrofte, Esq., complains that where Dame Margaret Bolde, widow, late wife of Sir Richard Bolde, Knight, deceased, about the 28th August last past, and at divers times before, requested that certain articles might be drawn up between plaintiff, the said Dame Margaret, and one Richard Bolde, Esq., in consideration of a marriage before that time solemnised between

Vol. xiv.
 [Calendar 12.]
 H. 1.
 35 Hen. VIII.
 [1543-44].

John Holcrofte, son of plaintiff, and Dorothy Bolde, daughter of the said Dame Margaret, by the advice of Sir Thomas Butler, Sir William Norrez, Knights, and Sir William Plumtre, Clerk, and others chosen by the said Dame Margaret, and of Sir Alexander Ratclyffe, Knight, Thomas Holt, Esq., and Lawrence Asshowe, gentleman, elected by plaintiff. Afterwards, at a place called the Holten fair, the parties agreed as follows: First, that plaintiff should make over to the said Dorothy certain lands of the yearly value of 20 marks, and that all his lands and tenements should descend to the said John, his son, and his heirs male by the said Dorothy, except certain lands and tenements reserved to plaintiff to give or sell at his pleasure, in consideration whereof the said Dame Margaret and the said Richard Bolde, her son, should pay to plaintiff 18 score marks sterling, to wit, £40 down, and £40 at the feast of St. Martin the Bishop then next following, and in like manner £40 yearly at the feasts of St. John the Baptist and St. Martin until the whole amount be fully paid: yet this notwithstanding, the said Dame Margaret and Richard Bolde refuse to pay the said money, although plaintiff is quite ready to perform his part of the said articles.

And whereas the said Sir Richard Bolde, father of the said Dorothy, bequeathed to her by his will 300 marks towards her marriage, the said Dame Margaret, being executrix to the said Sir Richard, 2 days before the said marriage caused the said Dorothy to make a release to her by deed of all actions and demands whereby she was utterly excluded from demanding the said 300 marks.

Plaintiff has no remedy against the said Dame Margaret because the said articles are not engrossed.

Prays for Letters of Privy Seal.

Hilary term, 35 Henry VIII.

Privy Seal to Dame Margaret Boulde and Richard, her son, to appear 15 Easter next.

RICHARD HAW AND KATHERINE, HIS WIFE *versus* JENET
ASSHETON, THOMAS ASSHETON AND OTHERS *re* FORCIBLE
ENTRY AND TORTIOUS POSSESSION OF A MESSUAGE
AND LANDS AT BOLTON.

To the Right Hon. Sir John Gayge, Knight.

RICHARD Haw, of Bollton, in the county of Lancaster, and Katherine, his wife, one of the daughters and heirs of ^{Vol. xiv. [Calendar 12.]} ~~Henrie~~ Rampsay, deceased, complain that forasmuch as the said ^{H. 10. 35 Hen. VIII. [1543-44.]} Henry was seised in his demesne as of fee in use or in possession of 1 messuage, 14 acres of land, and 2 acres of meadow with appurtenances in Bolton, and so seised in consideration of the marriage to be had between plaintiffs, about 20 years ago agreed with the said plaintiff Richard that he (the said Henry) should be seised of the said premises to the use of himself and Joan for their lives, with remainder after their deaths to plaintiffs and their heirs, they paying yearly after the death of the said Henry to *Johan* late wife of Henry Asheton and her heirs, and to Agnes wife of Richard Paygget and to her heirs yearly 21s. 4d.; by reason whereof plaintiff took to wife the said Katherine at the Parish Church of Bolton almost 20 years ago. After the death of the said Henry about 15 years ago plaintiffs entered into the said premises and have peaceably taken the profits thereof without interruption from anybody until last October, when the said *Jenet*, late wife of Henry Asheton, John Asheton, her son, Thomas Asheton, of Hester, husbandman, William Asheton, his son, and Thomas Asheton, labourer, of their cruel and covetous minds with force entered into the said premises, and stopped plaintiffs in their occupation thereof, and would not suffer them to till and plough their said lands, to their utter undoing.

Prays for Privy Seal to be directed to the said *Jenet* Asheton, &c., &c.

Hilary term, 35 Henry VIII.

Privy Seal to Thomas Assheton, *Johan* Assheton, widow, and John Assheton, her son, to appear 13 Easter next.

JAMES GORVEY AND JANE HIS WIFE *versus* JOHN HAWARDEN
re TORTIOUS POSSESSION OF LANDS AND RENTS AT SEFTON.

To the Right Hon. Sir John Gage, Knight.

Vol. xiv.
 [Calendar 12.]
 T. 4.
 36 Hen. VIII.
 [1544-45].

JAMES Gorvey and Jane, his wife, late the wife of Thomas Hawarden, Esq., deceased, complains that where the said Thomas was seised in his demesne as of fee of — mosses — acres of land — acres of meadow and — acres of pasture, in Sefton, in the county of Lancaster, and so seised, enfeoffed thereof — and others for the use of the said Jane for term of her life. After the death of the said Thomas, the said feoffees were seised of the said premises until the 8th (?) day of February, 27 Henry VIII. [1536]. Now so it is, that John Hawarden, Esq., son and heir of the said Thomas dwelling in the town where a great part of the premises lies has lately entered into the premises and partly by persuasion, and partly by threats, has caused several of plaintiff's tenants and farmers to pay divers sums of money to him for the rents and farms of the said premises; and moreover the said John, having continually with him about 10 or 12 of his adherents, retains possession of the said premises.

Forasmuch as plaintiffs are dwelling in the county of Stafford, and are strangers, having very few friends in the county of Lancaster, they pray for remedy.

Easter term, 36 Henry VIII. [1545].

Privy Seal to John Hawarden to appear in the Octaves of Trinity.

THOMAS CHARNOCK *versus* SIR RICHARD STANDISH, PARSON,
 AND OTHERS *re* TRESPASS AND SEIZURE OF TYTHE CORN
 IN CHARNOCK LORDSHIP.

To the Right Hon. Sir John Gage, Knight.

Vol. xvi.
 [Calendar 14.]
 C. 6.
 36 Hen. VIII.
 [1544-45].

THOMAS Charnocke complains that where he is lawfully seised in his demesne as of fee of the moiety of the lordship of Charnocke, with the appurtenances, in the county of Lancaster, Richard Standish being parson of the said town.¹

¹ Richard Standish was Rector of Standish—in which parish Charnocke Richard is a township.

So it is, that the said Richard on the 10th day of August last, caused Peter Worthington, Thomas Kendisley, Gilbert Chamberleyn, Peter Standish, Hugh Debdale, and Richard Rutter, with 40 other riotous persons to assemble at Charnock, in most riotous manner: which said persons afterwards, in manner of war arrayed, entered the said lordship and gave most "ongentill and opprobryus" words to plaintiff, saying they were able to rule him and his, and that if the laws of the realm would bear them plaintiff should never leave the ground where he then was alive. The same day the said persons carried away a great part of the tithe corn growing in the said lordship whereby great assaults and "ffrayes" were like to have arisen between them and plaintiff if the latter had not suffered the former to accomplish their unlawful doings.

' Prays for writ of Privy Seal.

Michaelmas term, 36 Henry VIII. [1544].

Privy Seal to Richard Standyth, Peter Worthington, Thomas Kendisley, Gilbert Chamberleyn, Peter Standyth, Hugh Debdale, and Richard Rutter to appear 15 Hilary next.

GRACE PARRE *versus* BRYAN PARR AND OTHERS *re* TITLE TO LANDS IN LATHAM AND PARR.

To the Right Hon. Sir John Gage, Knight.

GRACE Parre, daughter and heir of John Parre, deceased, complains that where she is lawfully seised of an estate of inheritance, descended from her said father, of 6 messuages, 100 acres of land, 40 acres of meadow, 20 acres of pasture, and 20 acres of wood and turbary, lying in the towns of Latham and Parre, within the county of Lancaster, and whereas she was in ward to the King as "gard p^r cause de gard" as more at large appears by "enquest" of office found after the death of the said John Parre, and whereas plaintiff is now of full age, and has been so for more than a year, by reason whereof she entered into the said premises and was thereof seised, until about the 20th day of June last [1544], when Brian Parre, junior, Brian Parre, senior,

Vol. xiv.
[Calendar 13.]
P. 3. B.
36 Hen. VIII.
[1544-45.]

James Parre, and 20 other riotous persons entered the same with great force and "expulsed" plaintiff, and still keep her out of the same contrary to equity.

Prays for writ of Privy Seal.

Easter term, 36 Henry VIII. [1545].

Privy Seal to Brian Parre, junior, Brian Parre, senior, and James Parre to appear 15 Trin. next.

P. 3. a.

The answer of Bryan Parre.

Defendant says that long before the said John Parre "anything had" in the said premises, one Richard Haydoke,¹ Clerk, parson of the Church of Sefton, was thereof seised . . . as of fee, and so seised, granted the same to Robert, son of Nicholas Parre and to his heirs male. After the death of the said Robert, the said premises descended to John Parre, his son and heir, and after the death of the said John to Robert Parre, his son and heir, and after his death to Robert Parre, his son and heir, which said Robert had issue John Parre, father of plaintiff, his eldest son, and the said Brian Parre, defendant, his younger son. The said John died without issue male, by force whereof the said premises ought to have come to defendant, as younger son of the said Robert, and as cousin and heir male of the body of the said Robert Parre, the donye, by reason whereof defendant entered into the same and was thereof seised in his demesne as of fee tail, until Thomas Duncalff, Richard Holland, and Katherine Holland entered therein, claiming that they belonged to the said Grace Parre, plaintiff, and put out defendant, for which entry and expulsion they were indicted at the Sessions of Peace held at Liverpool, and defendant was restored to his lawful possession and has taken the profits thereof ever since. Without that that plaintiff was ever seised of the premises, &c., &c.

P. 3.

The replication of Grace Parre.

Plaintiff says that one Hary Par was seised of the premises in his demesne as of fee, and gave the same to one Robert Par, his son, after the death of the said Robert they came to Nicholas Par,

¹ This name has not heretofore appeared in the lists of Rectors of Sefton,

as son and heir of the said Robert, and after the death of the said Nicholas to Robert Par, as his son and heir, after the death of the said Robert to John, his son and heir, and after his death to Robert, his son and heir. The said Robert enfeoffed Edmund Halsall, Chaplain, Roger Colley, Hugh Par, and Peter Colley, of all the premises in Par and Lathum, to the use of the said Robert Par, son of the said John for his life, and after his decease to the use of Robert Par, his son and heir apparent. After the death of the said Robert, the said feoffees were seised of the said premises to the use of the said John Par, father of plaintiff, and his heirs for ever, and after the death of the said John to the use of plaintiff and her heirs.

As the said premises were held of Edward, Earl of Derby, by knight's service, then being the King's ward, his Majesty had the wardship of the body of plaintiff and was possessed of the said premises during her nonage.

When plaintiff came of age she entered into the same, without that that Richard Hedock was seised thereof, &c., &c.

WILLIAM ROTHWELL, CLERK AND VICAR *versus* THOMAS CRAVEN,
CLERK AND VICAR *re* WAGES AND STIPEND, DEAN CHAPEL
AND ECCLES.

To the Right Hon. Sir John Gage, Knight.

WILLIAM Rothwell, Clerk, Vicar of the Parish Church of Deane, in the county of Lancaster, late called . . . [Vol. xiv. Calendar 13.]
Chapel of Deane, late parcel of the parish of Eccles, in the diocese R. 12. C.
of Chester, complains that where one Thomas Craven, Clerk, 36 Hen. VIII.
Vicar of the said parish of Eccles, and all his predecessors, by [1544-45].
reason of an ordinance made by Roger, then Bishop of the said diocese, A.D. 1277, for discharging the duty of the said Vicar in serving the cure of the said parish have not only appointed a convenient priest and chaplain to celebrate mass, matins, and other divine service within the said Chapel of Deane, but have, at their own charges, paid him for his salary £4 yearly at Michaelmas and Easter, by even portions, until now of late, that is to say,

the 21st November, 33 Henry VIII. [1541], when the King by Letters Patent ordained that the said Chapel of Deane should from thenceforth for ever be a parish church and should be free and distinct from every other Parish Church and Chapel, and "should have the parish and parishioners to yt in tyme passed in mettes and boundes lymyted," and that within the said Church of Deane there should be "oon vycar ppetuall" to be presented by his Majesty, and instituted by the Ordinary of the diocese, and that the said Vicar should have the cure of souls, say mass, and administer the sacraments and bear all the charges belonging to the said Vicarage, provided always that the said Vicar should not receive of the King any higher stipend than the late chaplain had. After the making of the said Letters Patent, plaintiff was presented by the King to the said Vicarage of Deane and instituted Vicar there, and has paid his firstfruits. And albeit plaintiff has duly served the cure there, and received no other salary than the said £4, yet notwithstanding the said Vicar of Eccles, wishing to disburden himself of the payment of the said £4 by colour only that the said Vicarage is now separate, refuses to pay to plaintiff the said amount which is now 2 years in arrear.

Easter term, 36 Henry VIII. [1545].

Privy Seal to Thomas Craven, Clerk, to appear in the Octaves of Trinity next.

Hereupon a Commission to Geffrey Shakerley, Esq., Peter Anderton, Lawrence Asshawe, and Thomas Massy to take answer and to examine him upon certain interrogatories.

R. 12.

The answer of Thomas Craven, Vicar of Eccles.

Defendant says that the said plaint is only brought by plaintiff with the help of his parishioners to "fatigate" defendant and put him to cost as has been already done by bills taken into the King's Court of the Tenths and First Fruits; and also before Sir Thomas Audeley, Knight, late Lord Chancellor of England, out of which 2 courts defendant has been dismissed without being compelled to pay to plaintiff the said £4.

Defendant says that true it is that about 3 years ago the Church of the Deyne was a Chapel belonging to the Church of

Eccles, and that defendant had the cure of souls there, and that the priest there was then nominated and removable at the pleasure of defendant who paid him some years £4 and other less a smaller sum. Then there arose a controversy between the parishioners of Eccles and those of the Deyne about the building of the Church of Eccles, whereunto the parishioners of the Deyne had always contributed, and in order that the latter might be exempted from such contributions they obtained the King's Letters Patent whereby it appears that the said Deyne is now a Church, and has a perpetual Vicar who cannot be nominated, admitted, nor removed by defendant, who is now discharged from the cure of souls there, without that any such ordinance was made A.D. 1277, &c., &c.

Interrogatories administered on the behalf of William Rothe-
well, Vicar of Deane, against Thomas Craven, Vicar of Eccles.

R. 12. a.

The examination and deposition of Thomas Craven taken by
Geffrey Shakerley, Lawrence Asshawe, Peter Anderton, and
Thomas Masey, at Elynbroke Chapel, 6th October, 36 Henry
VIII. [1544].

R. 12. b.

1. Deponent says that he has paid to Sir Thomas Strete £4 yearly for 2 years at least, but for how many years he has paid that amount he knows not. He agreed with the said Sir Thomas for 40s. for one year.

2. Sir Richard Brereton did not nominate the said Sir Hamlet Malbons as Curate of the Deane, but he Sir Thomas Craven put him in there himself.

3. Deponent did not allow to Sir Richard Brereton £4 yearly for the wages of the priest of the Deane, but he has paid to the said Sir Hamlet 5 marks for one year's service.

4. Deponent says that as he may not now nominate a priest for Deane he has sustained loss by reason of all such weddings, burials, and purifications which came from the Deane into Eccles Church.

Gefferey Shakerley, Peter Anderton,
Lawrence Asshaw, Thomas Masey.

WILLIAM CHARNOCK, THE KING'S FARMER *versus* THOMAS
LEYLOUND, AND OTHERS *re* CLAIM TO FINES AND
SUITS OF COURT AT PENWORTHAM MANOR
AND IN WHITTINGHAM.

To the Right Hon. Sir John Gawge, Knight.

Vol. xiii.
[Calendar 11].
C. 11.
36 Hen. VIII.
[1544-45].

INFORMATION for the King by William Charnock, his Majesty's farmer of his manor and fee of Penwortham, in the county of Lancaster, of the riotous and unlawful demeanour of Thomas Leylound, John Thryllfalle, Thomas Parkinsonne, Sir Rawf Parker, James Salesbury, the younger, with about 20 others whose names are unknown.

First. Whereas the said William Charnock, and all others farmers of the said manor, have been seised to the King's use of divers messuages, lands, and tenements in Whittingham, in the county of Lancaster, parcel of the said manor of Penwortham ; and whereas also the tenants and farmers resident in the said township of Whittingham have done suit and service to the said manor, and were there presented and fined for all "sawtes, ffrays, blodewipes, Sises of bread, ale, and all other misdemeanors" from time immemorial, until the 2nd day of June, 34 Henry VIII. [1542], when the said Thomas Leylound, John Thryllfall, Thomas Parkinson, Sir Rawf Parker, James Salesbury, the younger, with 20 others, came to the dwelling houses of Thomas Eccles, Edward Gregsonne, Robert Singletone, and Henry Cottam, and there distrained certain goods for their rents and other suits at court, which they have truly paid to the said William Charnock ; yet, that notwithstanding, the said riotous persons have not only conveyed the said distresses to places unknown, but have also informed the said tenants that they can no longer occupy their said tenements unless they pay the rents yearly to the said Leylound and his heirs, which would be to the King's disinheritance.

Prays that commandment be given to the said Thomas Leylound to make answer.

Also on the 29th March, 35 Henry VIII. [1544] the said Thomas Leylound, accompanied by Thomas Parkinson, Roger

Taleor and others, came to the dwelling house of Marget Cottome, broke open the door, entered the said house and took away all the goods of the said Marget, part whereof he still withholds. Not content with that, he caused the said Taleor to enter the same, which he still occupies.

Prays for Letters of Privy Seal.

Easter term, 36 Henry VIII. [1545].

Bill against Leylond who appeared gratis.

PETER SMYTHEMAN *versus* THOMAS SANKEY *re* CLAIM OF DEBT
AT SANKEY.

To the Right Hon. Sir John Gage, Knight.

PETER Smytheman, one of the grooms of the King's most honourable Chamber, complains that where one Thomas Sankey, of Sankey, in the county of Lancaster, is indebted to plaintiff in the sum of £5 sterling: Now so it is, that the said Thomas refuses to pay the same although frequently requested so to do. And forasmuch as the said Thomas dwells within the County Palatine of Lancaster, and is a man of great substance there, and as plaintiff lives far away and has few friends there, he can have no indifferent trial at the common law.

Vol. xiv.
[Calendar 13.]
S. 18.
36 Hen. VIII.
[1544-45].

Therefore he prays for Privy Seal.

Trinity term, 36 Henry VIII. [1544].

Privy Seal to Thomas Sankey to appear 8 "Martini prox."

JOHN URMESTON *versus* RALPH URMESTON, AND ISABEL TRESHAM,
WIDOW *re* TITLE TO LANDS AND SUIT OF MILL IN WESTLEIGH
LORDSHIP.

To the Right Hon. Sir John Gage, Knight.

JOHN Urmeston, Esq. complains that where he is seised in his demesne as of fee of the manor of Westleighe, in the county of Lancaster, from his ancestors, whose heir he is, and has been accustomed time out of mind to have all his corn and grain "to

Vol. xiv.
[Calendar 13.]
U. 1.
36 Hen. VIII.
[1544-45].

be sped" within the mansion house of the said manor, ground "toll free and hopper free" at the mill of Dame Isabell Tresham, widow, called Westleighe Mill, in Westleighe. Now so it is, that one Ralph Urmeston, gentleman, now farmer of the said mill, by the command of the said Dame Isabel refuses to grind the said corn and grain free, so that plaintiff is obliged to take his corn to be ground at a mill about 2 miles from his house at great trouble.

Trinity term, 36 Henry VIII. [1544].

Privy Seal to Dame Isabell Tresham, widow, and Rauff Urmeston to appear 13 Mich. next.

U. I. a. The answer of Rallffe Urmeston

True it is that the said Lady Tresham is seised in her demesne as of fee of the said water mill mentioned in the said bill, being parcel of the lands and tenements which descended to her after the death of Sir James Harryngton, her father, as one of his daughters and heirs, and she demised the said mill to the said Rallphe Urmeston, which mill the said Lady Tresham and her ancestors have quietly enjoyed until the banks of the dam of the said mill were cut down by plaintiff, and other riotous persons, without that that plaintiff is seised of the said manor of Westley, &c., &c.

The answer of Dame Isabel Tresham, widow.

U. I. B. (This answer is word for word like that of Ralph Urmeston.)

U. I. C. The replication of John Urmeston, Esq.

(As in his bill.)

U. I. D. Duplicate of the replication of John Urmeston, Esq.

U. I. E. Writ dated at Westminster, 20th November, 36 Henry VIII.
[1544], directed to Edward Sanders, Serjeant-at-Law.

WILLIAM FARRINGTON AND WILLIAM CHERNOCK, THE KING'S
FARMERS OF THE LORDSHIP OF PENWORTHAM *versus* THE
TENANTS AND INHABITANTS OF HOGHWYK [HOWICK]
CLAIMING UNDER THE COURT OF AUGMENTATION
re COMMISSION TO ASCERTAIN BOUNDARIES.

Information given to Sir John Gagge, Controller of the King's
Household and Chancellor of the Duchy of Lancaster, by
William Farrington and William Chernok, the King's
farmers of the Lordship of Penwortham.

Vol. xliv.
[Calendar 38.]
P. 3.
36 Hen. VIII.
[1544-45].

FORASMUCH as the King has been and is lawfully seised of the manor and lordship of Penwortham, in the county of Lancaster, whereof the said William Farrington and William Chernock are now farmers for many years yet to come, the tenants of which manor have time out of mind had sufficient "comyn" within certain limits, meets, and bounds, without let or interruption, which are perfectly known to divers men yet living. Yet, nevertheless, the tenants and inhabitants of the town of Hoghwyk [Howick], in the county of Lancaster, who are within the order and rule of His Majesty's court of Augmentation, now claim "comyn" within the said limits and bounds of Penwortham, and go about making new bounds far within the said lordship of Penwortham to the great loss of the said farmers and tenants, and to the derogation of the jurisdiction of this honourable court.

May it therefore please your good Mastership to grant a Commission to examine witnesses concerning the said bounds, and thereupon to "aloyt" place "seyt" and to appoint the same limits to remain for ever.

Commission [date torn away] directed to Sir Henry Farrington, Knight, steward of the lordship of Penwortham, Sir Richard Hoghton, Knight, Andrew Barton, Esq., John Fletwood, Esq., William Westbye, Esq., and Anthony Layton, gentleman.

P. 3. a.

Certificate of the said Commissioners in the matter at variance between the tenants of his Majesty's manors of Penwortham and Hoghwyk [Howick].

P. 3. b.

We assembled us together at the said manors the 22nd October, 36 Henry VIII. [1544], then and there calling before us the

inhabitants of the said manors, and examined all the witnesses and proofs which they brought with them. By the oath and depositions of 12 inhabitants of both the said towns, and also by 4 indifferent persons, we have "meyred" between the bounds of the said towns of Penwortham and Hoghwyk, and for a perpetual memory have caused divers great stones to be set to the intent that the true limits and "meyres" shall and may hereafter be evidenced.

Ryč Hoghton, K.

Henr⁹ Farryngton, K.

John ffletewoode.

Antony Layton.

THE KING to SIR THOMAS WHARTON, KNIGHT, LORD WHERTONE,
STEWARD OF THE DUCHY POSSESSION IN FURNESS, AND
OTHERS *re* COMMISSION AND RETURN AS TO STATE
OF DALTON CASTLE.

Vol. xlv.
[Calendar 39.]
R. 14.
37 Hen. VIII.
[1545-46].

HENRY the "Eight" to Sir Thomas Wharton, Knight, Lord Wharton, Steward of Our possessions of Furness, parcel of Our Duchy of Lancaster, and to William Sandes, Esq, receiver of Our said possessions there. Whereas, We be credibly informed that Our Castle or prison of Dalton, which heretofore has always been used as a prison and common gaol for the whole lordship and dominion of Fourneux [Furness], and the liberties thereof, as well for the custody and safe keeping of felons as also for all other offenders taken within the said: which said Castle is now in great ruin and decay to our great loss, and is likely to fall into greater ruin if speedy remedy be not shortly provided. We, intending the preservation thereof for the "better quietness" of Our subjects there, desire you with as much expedition as possible to repair to Our said Castle and see what state it is in, as well in the towers as in the gaol and other places, and to state what the repairs thereof will amount to in stone, lead, timber, &c. Further to certify to Our Chancellor what store of stone, lead, timber, &c., We have within or about Our late Monastery there with which to make the said repairs, and if there is none there, where it may be best had?

Given at Westminster, 12th May, 37 Henry VIII. [1545].

The Certificate of John Preston, Esq., deputy steward to Sir Thomas Wharton, and William Sandes.

On the 21st October, in this present 37th year of his Majesty King Henry VIII. [1545], we repaired to the Castle of Dalton, in Furness, and viewed the same within and without. There are there three several chambers from the ground one above another, all the floors whereof have been made of timber. Now the said floors, as well the "yiestes" [joists], as the boards and planks, by reason that the said Castle has not been sufficiently thatched for a long time, are so rotten with the water that has rained upon them that few of the said "yeistes" [joists] and none of the said boards and planks can be used again. The roof of the said Castle is also decayed for lack of thatch, and likewise the wyndow doers and the hinges and "yren stayngers" of the said windows are rotten, "cankerred," and wasted away. The lime of the walls is washed out so that the said walls are partly decayed at the corners and other places. For the repairs thereof we estimate that six "fothers"¹ of lead will be little enough for the gutters and thatching of the said Castle, which lead may be taken of the King's own lead lying at the manor of Furnes. Also sufficient timber must be assigned within the King's woods for making the floors of the said chambers and for the roof as shall be thought meet by the workmen thereof, and by such as shall have the charge thereof. We think that half a ton of iron must be bought for the stayngers for the windows, hinges for the doors, and "spykyns or nayles" for the flooring, which iron may be bought in the country there for about £4. We think that one lime kiln must be made for the pointing of the said Castle and other necessities about the same whereunto old trees and woods which will never do for timber can be taken, which may be delivered within the said woods. We think that the cost of repairing the said Castle, besides all the premises, will be £20 at the least.

From the King's manor of Furness, the day and year above written.

John Preston, Withm Sandes.

¹ A fother is 19 cwt.

THOMAS MOLYNEUX *versus* SIR THOMAS BOTELER, KNIGHT, AND
ELIZABETH, HIS WIFE *re* ASSAULT WITH INTENT OF RAPE,
AT WARRINGTON.

To the Right Hon. Sir John Gage, Knight.

Vol. xvi.
[Calendar 14.]
M. 2.
37 Hen. VIII.
[1545-46].

TH[OMAS Molyneux] complains that before this time it was
covenanted¹ Thomas Boteler, Esq.,
of the one part, and the said Roger solemnised
between the said Thomas Molleneux and one Elizabeth Boteler
. bastard daughter of the said Sir Thomas Boteler,
as by the same indenture amongst other things²
Afterwards the said marriage was had parcel of the
inheritance of the said Roger being of the clear yearly value of
£4 was Thomas Molleneux and Elizabeth
and their heirs. Since the said marriage,
lands and tenements the said Sir Thomas has procured and got the
said Elizabeth to and still keeps her there to the
great slander and infamy of the said Sir Thomas
hath openly declared that the said Sir Thomas would have
ravished her for the remedy whereof plaintiff might
have the company of his said wife, he plaintiff repaired being
. divers of his friends and kinsfolk the day of the Purifica-
tion of the B.V.M. last past in the county of
Lancaster, where the said Sir Thomas then dwelt to the intent
. his said wife, and after divers requests made, as well
by plaintiff as by Richard Gera[rd] her natural huncle,
to the said Sir Thomas made for the same purpose, the said Sir
Thomas put plaintiff out of the house, and placing his hand on
his dagger said, with a is there no man here that will
strike this knave, down with him, and thereupon Thurstnam
Southworth gave plaintiff such a great stroke on his head with
a long "pykeforke" that he fell to the ground, when they beat

¹ In some parts this MS. is quite illegible.

² Thomas, the son of Roger Molyneux, of Pemberton, married Elizabeth
the illegitimate daughter of Sir Thomas Boteler, of Warrington,

and maimed him to the peril of his life. Also Randall Shaw, servant to the said Sir Thomas, and at his command took from plaintiff at Warrington a gelding worth £6 13s. 4d. which the said Sir Thomas still wrongfully detains.

Prays for Privy Seal.

Michaelmas term, 37 Henry VIII. [1545].

Privy Seal to Sir Thomas Boteler, and Elizabeth Molyneux, wife of plaintiff, to appear 15 Hilary next.

[Part of the above document is torn away.]

The answer of Sir Thomas Boteler.

M. 2. a.

Defendant says that it is true that such covenants were made between the said Roger Molyneux, father of plaintiff, and defendant, concerning the marriage of plaintiff and the said Elizabeth, daughter of defendant, and also such estate made of parcel of the inheritance of the said Roger Molyneux of the said yearly value of £4. After the said marriage the said plaintiff and Elizabeth dwelt and kept house together in a tenement, parcel of the said premises, until the said Roger Molyneux by colour of a lease which he alleged he had of plaintiff would have avoided the said Elizabeth from the said tenement, and seeing that she would not leave it willingly the said Roger, of malice and displeasure, slanderously reported that she was of evil governance and conversation and that she was an "hoore" and had committed adultery with John Hyndley, whereupon, the said Elizabeth, wishing to declare her honesty, made her purgation according to the laws ecclesiastical within the Church of the parish where she then dwelt, having many honest persons with her. Afterwards she intending, with the advice of her friends, to pursue her remedy against the said Roger, and dreading to remain in the said house for fear of her life, the said Elizabeth, sued a citation against him, and then, without defendant's procurement, went to the house of Thurstan Southworth, her uncle, with whom she lived about two years. Sentence was given against the said Roger. Defendant being natural father of the said Elizabeth, and wishing that she should continue with plaintiff, her husband often moved her thereto, but

she, thinking that the said slander was raised with his consent, refused to live with him. Plaintiff was then servant to defendant and dwelling in his house, so defendant persuaded the said Elizabeth to come over there. Soon afterwards, Sir John Atherton, Knight, at the request of the said Roger, moved defendant to agree that the said plaintiff and Elizabeth might be divorced, alleging that plaintiff and his father would find and prove sufficient cause, whereupon defendant and the said Roger agreed thereto. After giving his consent defendant, thinking that he would be "charget with the fyndyngz" of his said daughter, caused her to go to a house of his, being about a mile away from his dwelling house, and there supplied her with meat, drink, and lodging in company with another of his daughters, without that that he would have ravished her, &c., &c.

On the day of the Assumption of our Blessed Lady, plaintiff came to the town of Weyryngton, accompanied by Richard Gerard, Edward Haughton, Rauff Haughton, Alexander Rigbie, and John Haryson, and asked defendant whether he would go forward with the agreement made before Master Aderton, whereto defendant answered that if the said Roger had performed his promise the said agreement would before that time have been accomplished by defendant. Thereupon plaintiff demanded his wife, and defendant said he should not have her because the suit which she had brought was not determined. Defendant then went quietly towards his dwelling house but plaintiff and his friends pursued him and entered it, and then defendant being unharmed and having his back towards plaintiff the latter having a dagger ready in his hand nearly murdered him and would have done so but that he was driven back by Robert Redyche.

[The rest of the document is quite illegible in places.]

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WILLIAM TRAFFORD, THE KING'S AULNEGER *versus* ADAM SCOLCROFTE AND OTHERS *re* FORFEITURE FOR CLOTH SOLD
WITHOUT SEAL.

To the Right Hon. Sir John Gage, Knight.

WILLIAM Trafford, the King's Aulneger, in the county of Lancaster, informs that where in the Parliament held at London, 3rd November, 21 Henry VIII. [1529], it was ordained that any clothier putting clothes to sale before every one of them shall be sealed with the Aulneger of the said county where they shall be made, shall forfeit the same; one-half of which forfeiture shall go to the King, and the other half to them who sue for the same by bill or otherwise. So it is, that Adam Scolcroft and Richard Scolcroft, son of the said Adam, and Henry Johnson, being clothiers and great occupiers, dwelling in Manchester, in the county of Lancaster, the 10th August, 37 Henry VIII. [1545], sent certain clothes made in the said county not sealed as afore-said, to wit, the said Adam and Richard Scolcrofte 10 pieces of clothes called Cottons, valued at —, and the said Henry Johnson five pieces of clothes called Rugges, of the value of —, contrary to the said Act, by reason whereof they are forfeited and plaintiff claims the one-half.

Vol. xvi.
[Calendar 14.]
T 1.
37 Hen. VIII.
[1545-46].

Moreover, the said Adam and Richard, in order that the same clothes might appear to be sealed, have forged, "oon countrefayte and vntrue Sealle" like unto plaintiff's seal, and have therewith sealed the said 10 pieces of "Cottons."

Prays for Letters of Privy Seal.

Michaelmas term, 37 Henry VIII. [1545].

Privy Seal to Adam Scolcrofte, Richard Scolcrofte, and Henry Johnson to appear Octaves of Hilary next.

THE MAYOR OF WIGAN *versus* SIR THOMAS LANGTON, KNIGHT,
WILLIAM GERRARD, AND JOHN BYRCHALL *re* BREACH OF
THE PEACE, AND DESTRUCTION OF BOOTHS AT
WIGAN FAIR.

To the Right Hon. Sir John Gage, Knight.

Vol. xvi.
[Calendar 14.]
W. 2.
37 Hen. VIII.
[1545-46].

RAFFE Bradshagh, Esq., late Mayor of the town of Wygan, in the county of Lancaster, informs that one John Byrchall, household servant of Sir Thomas Langton, Knight, accompanied by divers others, also household servants of the said Sir Thomas, on the feast of the Ascension last, being the "ffeyer" day of the the town of Wigan, with force and arms cast down to the ground one "bothe" standing in the open street of the said fair, to the great disquiet of the King's subjects there. Moreover, one William Gerrard, gentleman, pretending to be steward of the parson of the parish Church of Wigan, and the said John Byrchall, unlawfully gathering together 100 evil disposed persons, servants and tenants of Thomas Gerrard, Knight, and of the said Thomas Langton, Knight, assembled at Wigan, on the said feast, whereupon plaintiff, seeing that much mischief might arise in such unlawful assembly, was not "peasyd," made proclamation "with his owne proper Mouth" in the King's name that every man should keep the King's peace and depart, which commandment the said riotous persons disobeyed, to the great fear of his Majesty's subjects there.

The said unlawful assembly was presented to plaintiff, being Mayor of the said town and Justice of the Peace, at a Sessions held at Wigan, 19th June, 37 Henry VIII. [1545].

Prays for Letters of Privy Seal.

Michaelmas term, 37 Henry VIII.

Privy Seal to William Gerrard and John Byrchall.

GEORGE WELLFLETT, PARSON OF CHIPPING *versus* THOMAS
BRADLEY AND OTHERS *re* TYTHES.

To the Right Hon. Sir John Gage, Knight.

GEORGE Wellflett,¹ parson of the parsonage of Chipping, in the county of Lancaster, complains that where he has been parson there for about six years and by reason thereof has taken all manner of tithes and oblations "throughe oute all the saide parsonage." Now so it is, that Thomas Bradley, gentleman, William Wayne, gentleman, Robert Awsten, and James Helme, yeomen, having lands and tenements within the said parish, of their extort power and might not only forcibly prevent plaintiff's servants from carrying the tithe grains growing upon the said lands, to the value of eight loads of grain to the value of £3 6s. 8d., severed from the 9th part in August last [1545], which they have converted to their own use, but being of the "heedes" of the said parish secretly counsel the rest of the parishioners or the greater part of them to stay their tithe corn and all their dues to the Church, intending by such means to drive plaintiff, being a stranger, out of the said parish, to the intent they might have the said parsonage to farm, at whatever rent they chose to assess, to plaintiff's utter undoing.

Vol. xvi.
[Calendar 14.,]
W. 3.
37 Hen. VIII.
[1545-46].

Prays for writ of Privy Seal.

Easter term, 37 Henry VIII.

Privy Seal to Thomas Bradley, William Wayne, and Robert Austen to appear 13 Michaelmas next.

RALPH BROWNE *versus* ARTHUR INCE *re* BREACH OF CONTRACT
FOR ASSURANCE OF LANDS ON MARRIAGE, INCE.

To the Right Hon. Sir John Gage, Knight.

RAUFF Browne, of Ince, in the county of Lancaster, gentleman, complains that whereas about two years ago communication and agreement was had and concluded between Arthur

Vol. xvi.
[Calendar 14.,]
B. 8.
37 Hen. VIII.
[1545-46].

¹ This is a parson of Chipping who has not been included in any printed list.

Ince, of Ince, gentleman, and plaintiff, that Thomas Ince, son and heir apparent of the said Arthur, should marry Ellen Browne, one of the daughters of plaintiff, at which time the said Arthur Ince covenanted that immediately after the said marriage he would assure all his manors, lands, and tenements in the county of Lancaster, to certain persons for the use of himself for his life : and after his decease to the use of the said Thomas and Ellen and their heirs male, in consideration whereof plaintiff paid to the said Arthur £37 sterling. Afterwards the said Thomas married the said Ellen, but the said Arthur Ince then refused, and still refuses to make the said assurances according to his promise.

Prays for writ of Privy Seal.

Michaelmas term, 37 Henry VIII. [1545].

Privy Seal to Arthur Ince to appear 8^{as} Hilary.

JOHN BASSET AND GRACE, HIS WIFE *versus* RALPH RADFORTH
re CLAIM TO GOODS AND CHATTELS AT WIGAN.

To the Right Worshipful Sir John Gage, Knight.

Vol. xvi.
[Calendar 14].
B. 17.
38 Hen. VIII.
1546-47].

JOHN Basset and Grace, his wife, complain that where the said Grace and one Alice Standysshe, about 30 years ago, were possessed of seven kine, then being with calf, and 26s.8d. as of their own proper goods and money ; and so being thereof possessed, demised the said kine and the said money to the intent to buy another cow therewith to William Turner, of the parish of Wigan, in the county of Lancaster, yeoman, for 20 years, he paying yearly therefore the moiety of the offal profits and increase therefrom arising, and giving yearly a true account thereof to the said Grace and Alice, and delivering up the said kine, or the value thereof, at the end of the said term. The said Turner took all the profits for 19 years without paying anything to plaintiffs. By his last will he made his wife Elyn his sole executrix, and after his death she took all the said profits for two years without giving any account for the same. Afterwards the said Elyn married Raff Radforthe, who, after her death, took all the said profits for nine years, "the

increase whereof as duly in the country there is known" remaining in the possession of the said Radforth. After the death of the plaintiff Alice, all the right of the premises came to the said Grace, who afterwards married the said John Basset, and they together have the right to demand the moiety of the increase and the said 26s. 8d. in money, which the said Raff Radforth refuses to give up.

Prays for Letters of Privy Seal.

Michaelmas term 38 Henry VIII. [1546].

Privy Seal to Rauf Radforth to appear.

The answer of Raff Radford.

Defendant knows nothing about any demise made by the said Grace and Alice Standysshe to the said William Turner, and says that no part of the said goods nor catelles ever came into the hands of the said Ellen after the death of the said Turner as his executrix, nor to defendant after he married the said Ellen, so they could not deliver any account thereof to plaintiffs. B. 17. a.

LAWRENCE TOWNLEY *versus* JOHN FYLDEN, CHAPLAIN, ROGER
BLAKEY, PRIEST, AND OTHERS *re* DISTURBANCE AND
DILAPIDATIONS OF A PEW IN COLNE CHURCH.

To the Right Hon. Sir John Gage, Knight.

LAWRENCE Towneley, "Squier," complains that where he and his grandfather and father have been parishioners, and dwelling within the parish of Colne, in the county of Lancaster: And whereas also plaintiff's grandfather, about 50 years ago, with the consent as well of the Parson and Churchwardens of Colne as of all the parishioners there, caused a pew or kneeling place to be set up for himself in the said Church, for the quiet kneeling and resting of himself and his heirs, in which they could hear divine service and serve and honour God, which said pew has ever since been used by plaintiff's said grandfather, and father, and

Vol. xvi.
[Calendar 14.]
T. 4.
38 Hen. VIII.
[1546-47].

also by himself. Now so it is, that John Fylden, chaplain, Roger Blakey, priest, George Hertley, John Blakey, and James Hertley, men of evil disposition, fearing neither God nor the King, hearing that before that time there had been controversy between plaintiff and George Houghton regarding the said pew, and that plaintiff had proved his sufficient title thereto and had obtained a decree in this Court to use the same, on the 2nd May, 38 Henry VIII. [1546], "in the night time of the same day" entered the said Church and with carpenter's axes, or other "egge toles," cut down the said pew and carried it away, hoping that plaintiff would imagine that this act had been committed by the said George Houghton.

Prays for Letters of Privy Seal.

Trinity term, 38 Henry VIII. [1546].

Privy Seal to George Harteley and John Blakey to appear on the Morrow of All Souls next.

Vol. xiv. . . . BRENTHALL *versus* ROBERT LANGLEY AND OTHERS
 [Calendar 14.] . . . *re* REPAIRS OF DITCHES AND TRESPASS AT PENDULTON
 B. 21. . . . [PENDLETON], IRWELL RIVER AND ELSEWHERE.
 38 Hen. VIII.
 [1546-47].

To the Right Hon. Sir John Gage.

. . . [Brenthall]¹ complains that where the King is seised in his demesne of . . . called the Twelve Acres, and of 24 acres of land, turbary, or moor, and so seised, his Majesty by . . . dated at London, 7th February, let to farm the said premises to plaintiff for certain years yet to come, by virtue whereof he entered into the said premises in Pendulton, and was thereof quietly possessed. . . . Robert Bradshawe, Richard Bradshaw, William Baron, Robert Oldom, Thomas Pendulton, John Wolfyncroft, James Bradshaw, Thomas . . . and others, men of great substance, and wilful and unreasonable persons, meaning to disinherit the King of the said premises on the 23rd March, 37 Henry VIII. [1546], assembled

¹ The MS. in places is illegible.

themselves unlawfully at Pendulton, "in a grett Rowte," and then and there with force and arms disturbed plaintiff in his lawful possession of the premises and would not suffer him to make the ditches and fences theré. Moreover, they, being in a great rage and fury against plaintiff, would have beaten, murdered, or slain him, but . . . Radcliff, Knight, one of the Justices of the Peace in the county of Lancaster, hearing of the said unlawful assembly came to Pendulton on the said day and by his "gud meane and wisdome" caused the said riotous persons to be appeased for the time being : Furthermore, the said persons with James . . . Thomas Hyggenson, Thomas Wylde, John Assheton, Rauffe Radcliff, John Holland, Nicolas Holland, Peres Bradshaw, Ewayne Wyrall, and — Cholerton, widow, at divers times between the said 23rd March and Midsummer in like manner with their beasts and cattle, depastured and destroyed plaintiff's grass as well growing upon the said parcel of land called the Twelve Acres as also upon Breatlache aforesaid, and have also cast down the fences and hedges of plaintiff, made to enclose the said premises : Furthermore, Thomas Wylde, James Hulton, Roger Chapman, Elizabeth Wylde, Ellen Hulton, and Annes Nelde and others to plaintiff unknown, with like force and arms, on the 27th May, 38 Henry VIII. [1546], and at sundry other times, at the command of Robert Langley, Esq., broke into the said premises and there did delve and cast up turves to the value of about 30 loads, which they carried away and converted to their own use. And where also the said Robert Langley, late farmer of the King of certain lands adjoining the said premises, which he had of the grant of his said Majesty, and all others farmers of the said lands have been bound to repair and "sclause" all the dykes and hedges belonging to the said lands at their own costs, and to leave them in good condition ; and whereas also there are sundry springs and concourses of waters which not only run out of divers places into the said premises, but also spring within the same, and which from time immemorial have used to have their concourses and issues out of the said premises in sundry places and dykes through the said lands, now of Robert

Langley, and so through certain other lands called the Newhall down to the River of Irwyll. Now so it is, that the said Robert Langley has not "sclaused, scowred, nor dyked" the dykes belonging to the said lands, but has allowed the greater part of them to grow up with earth through default of repairing, so that in many places they are now even with the land, and has also since Easter, 38 Henry VIII. [1546], to the intent to hurt your beseecher wrongfully "dempned" and stopped up the residue of the said dykes with earth and clods unlawfully obtained from plaintiff's lands, so that the said waters and springs cannot have their issues through the said lands of the said Robert Langley, but overflow the said premises in many places, by reason whereof the said lands are so "Impayred and hurte" that they will soon be destroyed and plaintiff will not be able to pay his rent to the King.

Prays for "wrytte of Iniuncon" against Robert Langley, Bryan Fowler, Esq., Otes Holland, and Robert Bradshawe.

Trinity term, 38 Henry VIII. [1546].

Privy Seal to Robert Langley, Esq., James Hulton, Otes Holland, and Robert Bradshaw to appear 15 Michaelmas next.

EDWARD HOPKYN *versus* THOMAS RATCLYFF AND OTHERS
re TITLE TO LANDS, &C., IN OLDHAM.

To the Right Hon. Sir John Gage.

Vol. xvi.
[Calendar 14.]
H. 9.
38 Hen. VIII.
[1546-47.]

EDWARD Hopkyn, of Oldam, in the county of Lancaster, son and heir of Edward Hopkyn, late of Oldham, deceased, complains that where the said Edward, about 17 years ago, in consideration of a marriage to be had between plaintiff and Margaret Walker, then daughter of Seath Walker, now deceased, and for divers sums of money to him paid by the said Seath, by indenture made 24th April, 21 Henry VIII. [1529], agreed that before the day of the said marriage he would make to the said Margaret a sufficient estate of divers lands and tenements of the yearly value of 13s. 4d. lying in Oldham, being parcel of the

inheritance of the said Edward : furthermore, the said Edward, by the same indenture, granted that all his lands, &c., in the county of Lancaster, should, immediately after his decease, descend to plaintiff and the heirs of his body, the dower of Elizabeth, then wife of the said Edward, and the said lands granted to the said Margaret only excepted. Afterwards the said Edward Hopkyn and Raffe Prestwiche, Esq., Robert Langley, Esq., Edmund Langley, gentleman, Robert Wylde, and Richard Breerlie feoffees of the said Edward of all his lands, &c., by deed dated 3rd June, 21 Henry VIII. [1529], demised to Edmund Assheton, Esq., Edward Assheton, gentleman, John Tetlowe, son and heir apparent of Edmund Tetlowe, gentleman, and Nicholas Cowper, chaplain, all those closes or parcels of land with appurtenances called Kerr Medowe, Whyte Hiles, the newe crosse, the cove lane, and Berne Crofte lying in Mosse Crofte in Oldam, to hold to the use of the said Margaret for her life, and after her decease to the use of plaintiff and the heirs of his body. Afterwards the said marriage was solemnized, and then the said Seath Walker took the profits of the said lands for about eight years, "vntil yor said orator came to his full age of xxj yeres." After the deaths of the said Edward Hopkyn and Margaret, plaintiff was seised of the premises in his demesne as of fee-tail, and took the profits thereof. And whereas also the said Edward was seised of one messuage, two cottages, 100 acres of land, 10 acres of meadow, 20 acres of pasture, and 100 acres of marsh and turbary, in Oldam, and died thereof seised, the said premises descended to plaintiff, as his son and heir, who entered into the same and was thereof seised, until Thomas Ratclyff, late of Foxdenton, in the county of Lancaster, gentleman, Nicholas Somaster, of Oldam, husbandman, and James Hopkyn, of the same, labourer, with divers others, about the feast of Pentecost, 29 Henry VIII. [1537], without any right or title entered the said premises and expelled plaintiff therefrom. As plaintiff was very poor (and is now much poorer) and unable to sue to this Court for remedy, he made complaint to the King's Justices of Assize at Lancaster in the summer Sessions then next following, and Sir

Anthony Fytheherbert, Knight, deceased, then restored to plaintiff the possession of all the said premises, whereupon plaintiff enjoyed the same for nearly a year, until shortly after the death of the said Sir Anthony, that is to say, about Midsummer then next following, when the said Thomas Radclyff and others came and made "a Saulte and ffraye" on plaintiff and sore hurt and "Bett" him, and turned him out of the said premises.

Prays for writ of Privy Seal.

Trinity term, 38 Henry VIII. [1546].

H. 9. a.

The answer of Thomas Radclyff.

Defendant says that about seven years ago, plaintiff exhibited a like bill of complaint the matters wherein are still undetermined, and they so depending, plaintiff "arrayned assise of a novel disseison" against defendant before the Justices of Assize at Lancaster and was non-suited. Afterwards plaintiff "arrayned" another assise of novel disseisin which has not yet been tried by the said Justices.

Defendant says that his evidences and conveyances to the said premises are in his mansion house in the county of Lancaster, and prays for a day to the next term to make answer, nevertheless, if compelled to answer, he says that Edward Hopkyn, father of plaintiff, Rauffe Prestwiche, Robert Langley, Edmond Langley, Robert Wyld, and Richard Brereley were seised of the said premises called Kyrre Meydowe, &c., &c., to the use of the said Edward and his heirs, and so seised enfeoffed certain persons to the use of the said Margaret, daughter of the said Seth, for her life, and after her decease to the use of the said Edward, and his heirs. The latter being seised of the reversion of the said premises sold the same to defendant for £40, together with the residue of the premises mentioned in the said bill, by reason whereof he entered into the same and took the profits thereof, without that that, &c., &c.

BRYAN HEYTON *versus* RICHARD HEYTON *re* CLAIM TO PASTURE
AND WOOD, &c., AT HARWICH, LOSTOCK, RIDLEY WOOD,
AND YARES WORTH WATER.

To the Right Hon. Sir John Gayge, Knight.

BRYAN Heyton complains that whereas it was ordered by the Master and Council of the Duchy Court, in Easter term last past, that plaintiff should hold for his life of Richard Heyton, his brother, one close of pasture and wood lying in Horwiche, in the county of Lancaster, called Ridley wood, within these bounds, beginning at the head of the Clough which is between the Stryndes and the Ryddley head, and so descending by the water of the said Clough to Holton Brook, and so following Holton Brook to the bounds between Lostok and Rydley wood, and so following those same bounds to the water of Yaresworthe, and so ascending the said water of Yaresworthe to Grenewalssyche, and so ascending Grenewalssyche to one pale which is between Ridley Head and Horwiche moor, and so following the said pale to the said clough, which is the first division, as plainly appears by the said decree. Now so it is, that ever since the making of the said decree the said Richard Heyton, in contempt of the said "Courte of Duchy," has wrongfully occupied the said premises and taken the profits thereof, and will not allow plaintiff to enter the same.

Vol. xvi.
[Calendar 14.]
H. 11.
38 Hen. VIII
[1546-47].

Prays for writ of Privy Seal.

Michaelmas term, 38 Henry VIII. [1546].

Privy Seal to Richard Heyton to appear 8^{as} Hil. next.

The answer of Richard Heyton.

H. 11. a.

Defendant says that true it is that the said decree was so made in Easter term last, and for answer says that since that time neither he nor any person for him has entered into the said close in Horwiche nor into the "buttells" thereof as in the said bill is untruly alleged.

The replication of Bryan Heyton.

H. 11. b.

Plaintiff says that defendant has broken the said decree, has occupied the said premises, and has interrupted plaintiff in his possession thereof.

DECREES AND ORDERS, HENRY VIII. VOL. 7. FO. 326.

EASTER TERM, 38 HENRY VIII. [1547.]

Heyton v.
Heyton.

It is ordered by the Chancellor and Council that the said Bryan shall henceforth quietly enjoy the said close and wood called Ridley Wood, in Horwiche, without let or interruption of the said Richard Heyton or others, according to the grant thereof made to the said Bryan by the said William Heyton. And that the said Richard shall, on this side the feast of St. Michael the Archangel next coming, avoid the occupation and possession of the said premises.

GEORGE HALGH *versus* JAMES ROBERTSON, AND OTHERS, TENANTS
OF HALGH *re* RENTS AND SERVICES OF HALGH MANOR.

To the Right Hon. Sir John Gage, Knight.

Vol. xvi.
[Calendar 14.]
H. 13.
38 Hen. VIII.
[1546-47].

GEORGE Halgh, of Halgh, in the county of Lancaster, complains that where he is seised in his demesne as of fee of the manor of Halgh, with appurtenances. Now so it is, that James Robertson alias Dycenson, Thomas Smythe, and Gyles Evynsworth [? Aynsworth], Clerk, tenants of the said manor and holding "frely" thereof, to wit, the said James by the service of fealty and the yearly rent of 11s. 2d., the said Thomas by the like service and rent, and the said Giles by the service of fealty and the yearly rent of 29s., of which said several rents and services plaintiff has been seised by the hands of the said James, Thomas, and Giles, as by the hands of his very tenants, that is to say, of the said fealty as of fee and right, and of the said rents in his demesne as of fee. About five years ago, the said James, Thomas, and Giles refused to pay the said rents, and now divers court rolls, extents, and rentals concerning the said manor have come into their hands which they refuse to give up, although frequently required so to do.

Prays for writ of Privy Seal.

Michaelmas term, 38 Henry VIII. [1546].

Privy Seal to James Robertson, Thomas Smythe, and Gyles Evynsworth [Aynsworth] to appear on the Morrow of the Purification next.

RALPH OLGREVE *versus* JAMES SKARESBREKE AND THOMAS STRENGFELLOWE *re* ABDUCTION OF PLAINTIFF'S WIFE,
AT MANCHESTER.

To the Right Hon. Sir John Gage, Knight.

RALPH Olgreve, of Manchester, in the county of Lancaster, yeoman, complains that where he according to the laws of God and "Holly Church" has lawfully "affyed" and taken to wife Isabel Richardson, daughter of Richard Richardson, of Manchester, which said "Espousels" have continued for five years, they having divers children. Now so it is, that on the feast of All Saints last, one James Skaresbreke, of Skaresbreke, in the county of Lancaster, Esq., and Thomas Strengfellowe, with four or five other riotous persons came with swords, bucklers, daggers, and other weapons to Manchester and carried away plaintiff's said wife from the house of her said father to the mansion house of the said James Skaresbreke, where she remains to this day, living incontinently with the said James: And plaintiff hears by credible report that the said James of his diabolical mind, respecting neither the laws of God, nor the "holly" Sacrament of matrimony, nor the common obloquy and shame of the world, and having a wife yet living in his said house, has, for the accomplishment of his "fleshy lust and beastly concupiscence" espoused plaintiff's wife and used her incontinently, contrary to all "Cyvyle honestye," to the detestable example of all other advouterers.

Vol. xvi.
[Calendar 14.]
O. 1.
38 Hen. VIII.
[1546-47.]

Prays for writ of Privy Seal.

Trinity term, 38 Henry VIII. [1546].

Privy Seal to James Skaresbreke, Esq. and Thomas Strengfellowe to appear 8^{as} Michaelmas next.

SIR JOHN OTHERTON [ATHERTON], KNIGHT *versus* SIR WILLIAM
LEYLONDE, KNIGHT AND THOMAS LEYLONDE *re* BREACH
OF MARRIAGE SETTLEMENT

To the Right Worshipful Sir John Gage, Knight.

Vol. xvi.
[Calendar 14.]
O. 3.
38 Hen. VIII.
[1546-47].

SIR John Otherton [Atherton], of Otherton [Atherton], in the county of Lancaster, Knight, son and heir of George Otherton, deceased, complains that forasmuch as one Thomas Leylonde, of the said county, Esq., son and heir of Sir William Leylonde, Knight, about 20 years or more ago, took to wife Anne Atherton, sister to plaintiff, and daughter of the said George Otherton, which said espousals were solemnized according to the form and due order of Holy Church. In consideration of the said marriage the said George Otherton was bound, by writing, sufficient in the law, to pay to the said Sir William Leylonde 380 marks, for the accomplishment whereof the executors of the said George paid the said sum to the said Sir William, as may appear by his sufficient discharge. And whereas the said Thomas and Anne did "well lovinglie and trulye agree together" as man and wife ought to do, for 20 years, having issue two daughters and a son, yet the said Thomas, about two years ago, of his most ungodly will and perverse mind, put away the said Anne, his wife, being great with child with the said son, so that she was obliged to go to plaintiff, her brother, for relief in her great necessity, since which time plaintiff has found her and her son in meat, drink, and apparel at his own cost.

Plaintiff has sent several times to the said Sir William asking him to make provision for the said Anne, and to the said Thomas Leylonde asking him to take back his said wife, but they both refuse to do anything for her.

And further, whereas the said 380 marks were paid for the jointure of the said Anne, and whereas also all the lands, tenements, and hereditaments whereof the said Sir William Leylond was seised in his demesne as of fee should immediately after his death descend to the said Thomas and Anne and their heirs;

yet, this notwithstanding, the said Sir William and Thomas at the last Assizes at Lancaster, before Sir John Hynde, Knight, and "Mr. Edmond Molleyneux, Esq.," Justices, levied a fine of all the said premises whereby she shall be "estopped" and barred from claiming the same.

Prays for writ of Privy Seal.

Michaelmas term, 38 Henry VIII. [1546].

Privy Seal to Sir William Leylond and Thomas Leylond to appear 15 Hilary next.

EDWARD PEDLEY, VICAR OF WHALLEY *versus* ROGER BLAKEY,
PRIEST, AND OTHERS *re* RIGHT TO CHAPEL SERVICE
AND STIPEND AT COLNE CHAPEL AND WHALLEY.

To the Right Worshipful Sir John Gage, Knight.

EDWARD Pedley, Vicar of the Parish Church of Whalley, in the county of Lancaster, and therein lawfully instituted and inducted, to the which Church is a chapel annexed, called Colne. Now so it is, that about the 4th day of May, 36 Henry VIII. [1544], at Colne, Roger Blakey, priest, John Blakey, and Nicholas Marston, with about six or eight other riotous persons entered the said Chapel and would not allow plaintiff to go in to say and do the divine service there accustomed, and not content with that, they assaulted plaintiff and put him in jeopardy of his life. The said Roger Blakey still keeps plaintiff from the possession of the said Chapel.

Vol. xvi.
[Calendar 14.]
P. 4.
38 Hen. VIII.
[1546-47].

Prays for Letters of Privy Seal.

Trinity term, 38 Henry VIII. [1546].

Privy Seal to Roger Blakey, Clerk, Nicholas Marsden, and John Blakey to appear 15 Michaelmas next.

The answer of Roger Blakey, John Blakey, and Nicholas Marston. P. 4. a.

The said Roger Blakey says that in consideration of certain monies paid by him to plaintiff the latter agreed that the said Roger should have the serving of the said Chapel or Church called Colne for his life, and that defendant should have £4 a year for his stipend. And it was agreed that the first year defendant should have only four marks and plaintiff 26s. 8d., parcel of the said stipend for his goodwill; accordingly defendant has served the said "Cuer" ever since, and plaintiff had 26s. 8d. besides 16s. the first year out of defendant's stipend, without that that, &c., &c.

SIR ALEXANDER RADCLYFF, KNIGHT, AND ELIZABETH ATHERTON
versus SIR JOHN ATHERTON, KNIGHT *re* INCONTINENCE
 AND PUTTING AWAY WIFE, AND CLAIM FOR
 MAINTENANCE.

To the Right Hon. Sir John Gage, Knight.

Vol. xvi.
 [Calendar 14.]
 R. 3.
 38 Hen. VIII.
 [1546-47].

ALEXANDER Radcliff, of Ordessall, in the county of Lancaster, Knight, and Elizabeth Atherton, wife of Sir John Atherton, Knight, and daughter of the said Alexander, complain that whereas about 27 years ago the said Sir John married the said Elizabeth, in consideration of which said marriage the said Sir Alexander paid to the late father of the said Sir John Atherton 380 marks sterling. Now so it is, that the said Sir John having his "affec̃ion and fansye" given to sundry light women of evil disposition, by whom he has had divers children, has kept them in his house and allowed them to order and rule there to the great discomfort of his said wife to whom he has taken a great dislike and from whom he has tried by all means in his power to be divorced, declaring that before he did "Consent" with the said Elizabeth he had had carnal knowledge with another woman, so near of kin to her that the said marriage is void, the which woman died before the said Sir John was 11 years old. About three years ago the said Sir John put away the said Elizabeth without making any provision for her, and "wold never Sythens hytherto vse her Companye as the husband oughe to do w^t his wiffe."

Afterwards, to wit, on the 13th September, 35 Henry VIII. [1543], the said Sir John agreed with the said Sir Alexander to pay yearly to the said Elizabeth for her life £12 for her maintenance, but he has never paid that amount nor any part thereof, and refuses so to do.

Prays for Writ of Privy Seal.

Trinity term, 38 Henry VIII. [1546].

Privy Seal to Sir John Atherton to appear 15 Michaelmas next.

DECREES AND ORDERS, 'HENRY VIII. VOL. 7. FO. 351.

MICHAELMAS TERM, 38 HENRY VIII.

Whereas a bill of complaint was exhibited by Sir Alexander Ratclyff, Knight, and Elizabeth Atherton his daughter, wife of Sir John Atherton, whereupon the said Sir John by force of a process directed to him out of this Court, appeared personally in the quindene of this Michaelmas term. It is now ordered that the said Sir John shall pay to the said Sir Alexander for his costs which he has sustained upon the exhibition and finding of the said Elizabeth £20, in the Parish Church of Legh, in the county of Lancaster, between the hours of nine before noon and one after noon. It is also decreed that the said Sir John shall, for the "bording and findeng" of the said Elizabeth, yearly during her life, and until she shall have recovered her dower or jointure of all those manors, lands, &c., of the inheritance of the said Sir John Atherton, pay to the said Sir Alexander Ratclyff, Knight, William Radclyffe, Knight, Edmund Trafforde, Esq., Richard Molyneux, Esq., John Radclif, Clerk, Edmund Radcliff, gentleman, Alexander Radcliff, gentleman, son of the said Sir William Radcliff, Knight, John Radclyff, gentleman, Richard Radcliff, gentleman, and Robert Shawe, yeoman, an annuity of £12, and that for the assurance thereof the said Sir John Atherton shall, by deed sufficient in the law, grant to the said Sir Alexander and others an annual rent of £12 to be taken out of all the manors, lands, &c., of the said Sir John in Atherton, Chowbent, and Los-tocke, in the county of Lancaster.

Alex. Radclyff,
Knight,
v.
Jno. Atherton,
Knight.

It is also further decreed, that if at any time a lawful divorce shall take place between the said Sir John and Elizabeth at the suit of the said Sir John, so that their marriage shall be dissolved, that then the said Sir John shall pay to the said Sir Alexander 400 marks, also yearly to the said Elizabeth £6 13s. 4d.

MILES BANCROFT, THE KING'S BAILIFF OF LEYLAND SCHERE [LEYLANDSHIRE] *versus* ADAM RYGBYE, ALEXANDER FAYRE-CLOUGH, AND OTHERS *re* RIGHT OF LEVY OF AMERCIAMENTS IN LEYLAND HUNDRED.

To the Right Hon. Sir Thomas More, Knight.

Vol. xvii. N.D.
[Calendar 1
N.D.]
B. 10.
Henry VIII.

MYLYS Bancroft, of Chorley, in the county of Lancaster, complains that where he being the King's "bayle arraunte" of the hundred and wapentake of Laylondshire in the said county, and where one Adam Rigby was at his Majesty's court called the Wapentake held within the said hundred amerced in the sum of 6d. which was afterwards estreted to plaintiff as the King's bailiff, and whereas plaintiff on the 18th November last, went to the house of the said Adam, who refused to pay the said fine, and distrained a pot of his, the said Adam with force came to plaintiff in a great fury and told him he should not be so "hardy" to distrain, and that if he did he should have as many strokes as he could bear, and then took back the said pot. As plaintiff could not levy the said fine he came to the Barons of the Exchequer, in the county of Lancaster, and there sued for a subpoena against the said Adam for the said payment, and also to find a surety to keep the peace. When plaintiff delivered the said subpoena the said Adam took hold of him with one hand and laying the other on his dagger said "ffalse varlet, I schall teche the to delyvere any subpoena will thow lyff," and then, with great violence, thrust the said writ into your orator's breast, swearing that he had made a "piche fforke" of three "ellis" long, the "greynys" whereof were sharp as a needle, and that if plaintiff came to his house again he should be beaten with it. Now so it was, that plaintiff according to his duty, and thinking the said Adam would forget his malicious words, on the Sunday next after the Purification of Our Blessed

Lady last past, came to the Church at Standysche [Standish] and there gave warning of the day, time, and place of holding the said wapentake, whereupon the said Adam seeing that your said orator was leaving the said Church to go home procured Thomas Fayerclowe and John Taylor to accompany Katherine, wife of the said Adam, to follow plaintiff, and at a convenient opportunity to murder and "sle" him. In order that plaintiff should not escape the said Adam Rigby, with John Rigby, his brother, Robert Wrythynghon, Edward Browne, and Thomas Wynnarth, there being unlawfully assembled, followed the said Thomas Fayerclow and John Tayler in order to assist them if they should be overcome. The said Thomas and John, "sodenly and onbeware cam byhynde yor said besecher at his bakke," struck him with force, giving him many "dedly wowndes," and felling him to the ground where they left him for dead. This "prepensed persewte" was made by the procurement of Ralph Standishe, Esq., Roger Standishe, Clerk, Alexander Fayerclow, and Robert Wrythynghon. Afterwards the said Thomas Fayerclow, Taylor, and Katherine came to an alehouse in Standishe, and there boasted of the way they had beaten plaintiff, saying they had taught him not to distrain for fines or to serve writs upon them, with many other "onsyttynge wordes."

Prays for Privy Seal.

The answer of Adam Rygbye, Alexander Fayreclough, John Tayllor, and Thomas Fayreclough. B. 10. a.

The said Adam says he did not know that he was fined 6d. as the said Miles Bancroft did not show any authority when he came to demand the said money, wherefore, he, in a peaceable manner, requested the said Miles to wait until the Thursday following in order that defendant might speak about it to Henry Farryngdon, Esq., then high steward of the said "wapentaye" and hundred, and ask him why he was fined, &c. But the said plaintiff would not wait, and in cruel manner would have taken away a brass pot, but defendant's wife, perceiving that he showed no authority, put the pot out of his way so that he could not take it. Defendant says that he received the said subpoena quietly, and then, before divers gentlemen then present in the church yard where the said

writ was served, paid the said 6d. to plaintiff, whereupon he took back the said writ saying that he had nothing further to do in the matter.

The said Thomas Fayreclough and John Tayllor say that Katherine, wife of the said Adam Rigby, being of "allyence" to the said John, requested them to keep her company when they came out of the said Church of Standyche on the said Sunday, which they accordingly did, the said Katherine "goyng a great pace before theym, a furlonge or thereabout." Before they got up to her, she and the said Miles Bancroft and Thomas Cartwright were having words and were "ffraying togyther," the said Miles having the said Katherine by the head and hurting her. Defendants seeing this, in order to defend the said Katherine, being but a woman, struck at the said Miles. Since that time the said Miles has caused the said Adam Rigby, Alexander Fayreclough, John Tayllor, Thomas Fayreclough, Katherine, wife of the said Adam, Thomas Wynard, Robert Wrythyngton, John Rigbye, and Edward Brown, to be wrongfully indicted for riot before the Justices of the Peace, whereupon, after paying large fines, they were discharged, so ought not to be further troubled in the matter.

RICHARD BRUCHE *versus* SIR RICHARD TAYLOR, PRIEST *re* AN
ASSAULT AT WARYNGTON.

The answer of Sir Richard Taylor, priest, and Hugh Myddelhurst to the bill of complaint of Richard Bruche.

Vol. xvii. N.D.
[Calendar 1
N.D.]
B. 14.
Henry VIII.

DEFENDANTS say that on the 4th day of February last, one James Gervas, Richard Hawarden, and Robert Hawarden, at Waryngton, lay in wait for the said Sir Richard Tailor, intending to murder him, and then and there assaulted him so that if help had not been forthcoming he would have been killed. Defendant, knowing that the said James, Richard, and Robert were gentlemen with many friends, while he was only a poor priest with few friends, went to Sir Thomas Butler, Knight, being a Justice of the Peace, and asked him for a warrant against them and against John Hawarden, their brother, which the said

Sir Thomas granted, having ascertained all about the said assault, whereupon some of them were arrested and others left the county. Afterwards, the said Richard Bruche of his "rankeryd" mind, intending to make strife between the said Sir Thomas Butler¹ and the said Sir Richard Tailor, untruly reported to the said John Hawarden that the said Sir Richard had told him that the said Sir Thomas compelled him to "aske the peace" against the said James Gervas and others, which the said John repeated to the said Sir Thomas who was much displeased thereat. Defendant hearing that the said Richard Bruche has come to Waryngton on the 3rd day of March, went to the house of one Bullynge, in Waryngton, where the said Richard was then drinking, and, cap in hand, and after a "lovinge and gentill façon," asked him whether he had spread such a report, there being present at the time Anthony Colwiche, gentleman, father-in-law of the said Richard Bruche, Thomas Penkethe, an aged gentleman, and a near kinsman of the said Richard and Hugh Meddehurst. The said Richard denied having said so, but declared that defendant had told him that he had been forced by the said Sir Thomas to take surety of peace of the said John Hawarden, whereupon defendant said he was no true gentleman, and the said Richard called defendant falsse preaste and drew his sword and would have struck him if he had not been put out of the room, without that that the said Sir Richard Tailor, Antony Colwiche, Thomas Penkethe, and others at the command of the said Sir Thomas Butler assembled in the open street of Waryngton, to the fear of the King's subjects there, or came to the house of the said Bullinge in a riotous manner, to make an assault on the said Richard Bruche, or that they attempted to strike him, or that there was any "trouble or busines movid or styrryd" in the said town of Warrington.

The answer of Richard Penkethe to the bill of Richard Bruche.

B. 14. a.

The said Richard says that on the said 3rd day of March, he and one Nicholas Reynacars, bailiff of the fee of Warrington, at the

¹ Thomas Butler was knighted about the year 1533, and the name Richard Taylor, *cappelanus* appears in a deed dated 26th March, 1532.

command of the said Sir Thomas Butler, their master, went quietly to the house of the said Bullinge in Warrington to speak to Thomas Ashton, who came out at the back of the said house to see them, whereupon they requested him to do his homage and fealty to the said Sir Thomas as he held his lands of him by the said services. The said Ashton replied that he would make the said Sir Thomas an answer thereto at the next Assizes, and then defendants, after drinking a pot of ale and another of beer with the said Ashton, departed, without that, &c., &c.

JOHN CLEGGE, CHAPLAIN, AND OTHERS *versus* JAMES HAWORTH
re TITLE TO MESSAGE AND LANDS AT BALDYDENE,
 ACCRINGTON MANOR AND ROSSENDALE FOREST.

To the Right Hon. Sir Thomas More, Knight.

Vol. xvii. N.D.
 [Calendar 1
 N.D.]
 C. 2.
 Henry VIII.

JOHN Clegge, chaplain, William Woode, Henry Eytynfylde, John Blooke, and James Ayshworth complain that where one William Cowoppe was seised of one messuage and three acres of land in Balydeyne, within the manor of Accreynton [Accrington], in the county of Lancaster, by copy of Court Roll, after the custom of the said manor, and so being seised for the sum of 20 marks paid to him by John Ayshe-worth, the said William made surrender of the said premises to Richard Hancokke, deputy steward there, to the use of William Ayshe-worth and Alice, his wife, daughter of the said William Cowoppe, and to their heirs in fee. Afterwards the said William and Alice had issue Thurstane Aysworth, and the said William died, after whose death the said Alice surrendered the said premises to the said steward to the use of James Haworth and his heirs, by reason whereof the said James entered into the same. As he (James) went about to disinherit the said Thurstan one James Aysheworth, "gardeyn en socage," and uncle of the said Thurstan, paid the said James Haworth 20s., whereupon he surrendered the said premises to the use of the said John Clegge and his cograntees, to the use of the said James Haworth and Alice, his wife, for the term of their lives, with remainder to the said Thurstan and his

heirs. At the same time it was further agreed between the said James Ayshe worth and James Haworth that the latter should not waste or destroy any houses or trees, but this notwithstanding, the said James has cut down 60 or more great oaks and sapplings and has allowed all the houses and dwelling places upon the said lands to fall into such ruin and decay for want of repairs that the greater part of them have fallen down. Not content with this the said James of his "further unlawfull appetite" in the night of the 20th October, came with Charles Nottowe, Nicholas Rommysboth, Oliver Rommysboth, and Richard Haworth, with divers other riotous persons to plaintiff unknown, and carried away four of the said great trees.

Pray for Privy Seal.

The answer of James Haworth.

C. 2. a.

Defendant says that true it is that the said William Cowoppe was seised of the said messuage, and of another messuage and three acres of land in Baylydene, within the forest or chase of Rossendale, within the Kiug's manor of Accreynton. The said Alice Ayshe worth surrendered the said premises into the hands of one John Rothewell, then prepositor, otherwise called Reve of Rossendale, to the use of the said James Haworth, which premises the said John Rothewell held for 15 years without yielding them up, and without licence of the court or making a fine to the King, whereupon the said premises were seised into his Majesty's hands and proclamation made openly and solemnly at three halmotes. The custom of the said manor requires that if any one will come and claim to hold the said premises of the King, and for the same pay his fine and yield the old service thereof due, he shall come to the court and be received, whereupon defendant came, paid his fine, and received the said premises as appears by a "substanciall Cope" dated 14 Henry VIII. [1522-23]. Afterwards at the halmote of the said manor held at Accrynton, 8th June, 17 Henry VIII. [1525], before the said steward by Nicholas Tempest, Esq., deputy and under steward of the said Richard Tempest, Knight, the said premises were given up out of the King's hands to the use of the said defendant he paying therefore yearly 12d. The said

James paid his fine and was admitted to the premises, by force whereof he cut down trees as lawful was for him to do. Afterwards plaintiff came to the said court and offered a large fine, to wit, £6 13s. 4d. to expel defendant, to his utter undoing, without that that defendant had made any surrender of the premises, &c.

RALPH HULME *versus* RALPH MODY AND OTHERS *re* DETENTION
OF TITLE DEEDS RELATING TO LANDS CALLED OVER
ALLEPORT AND OTHERS BELONGING TO THE
MANCHESTER FREE SCHOOL.

To the King our Sovereign Lord.

Vol. xvi. N.D.
[Calendar 1
N.D.]
H. 2.
Henry VIII.
[1520].

RAUF Hulme complains that where he is seised in his demesne as of fee of certain lands near Manchester, called Overalleport, and other lands belonging to the Free School at Manchester, lately founded by the Right Rev. Father in God, the Bishop of Exeter, that now is: Now so it is, that certain evidences concerning the lands belonging to the said School have come into the hands of Rauf Mody, John Browne, Henry Bradshawe, and James Grene, priests, who refuse to give them up. Moreover, the said wrong doers have unjustly pretended title to the said lands called Overalleport, and have threatened to beat or kill the tenants there and to cast down their holdings.

Prays for writ of Subpena.

H. 2. a.

The answer of Henry [Bradshaw].

Defendants say that they are Fellows of the College of Ma . . [nchester], one of the sons of Thomas West, Knight, Lord La Ware is master of and that the said Raufe Holme has nothing in the complaint specified, but jointly with Richard Hunt, Hugh Be[xwick], "which as yet lyvyng," in which case if any of the said evidences have come into the hands of defendants they ought not to be delivered to the said Raufe Holme solely, albeit they say they have no such evidences, except one writing indenture made between the Rev. Hugh Oldome, Bishop of Exeter, Thomas Langley, Hugh Bex-

wik, and plaintiff of the one part, and the Abbot of the Monastery of Whalley, of the second part, and Robert Clyffe, Master of the College of Manchester and his successors, of the third part, which indenture is not yet sealed with the seal of the said College, and concerns certain ordinances and articles for a Grammar School to be kept at Manchester, and is still in the said College in defendant's keeping, to the use of the said Master, George West, Warden and Master there, as in the right of the said College, without which Master they cannot deliver the said Indenture.

DECREES AND ORDERS, VOL. 5. HENRY VIII. Fo. 179.
EASTER TERM, 12 HENRY VIII. [1520.]

The Chancellor and Council have dismissed the said Abbot out of the Court, and have ordered that he may lawfully proceed in his *said action of debt* before the Justices, and that if he should recover the same he should employ it, after deducting his reasonable costs, towards the exhibition of priests, or in other good works of charity.

Between the
Warden of
Manchester
plt.
and the Abbot
of Whalley
deft.

SIR WILLIAM MOLYNEUX, KNIGHT, AND OTHERS *versus* THOMAS
GERRERD AND OTHERS *re* TITLE TO LANDS UNDER AN
ALLEGED WILL.

To the King our Sovereign Lord.

SIR William Molyneux, Sir Edmund Trafford, Knights, Richard Aston, Esq., and Humphrey Gerrerd, gentleman, complain that where Sir Thomas Gerrerd, Knight, of "verey Trist and Confydence" that he had in plaintiffs, enfeoffed them and one Sir Thomas Bulkeley, then his chaplain, and now parson of Brynhill [Brindle],¹ of the promotion of the said Sir Thomas, of all his manors, lands, tenements, and hereditaments, by force whereof they were thereof seised to them and their heirs in fee simple, to the intent to pay his debts, to help his wife, five sons and four daughters "then and yet beyng in lyffe of tendre and young age," and his poor servants and to fulfil his will, which will be there-

Vol. xvii. N.D.
[Calendar 1
N.D.]
M. 3.
Henry VIII.
[1535].

¹ This an heretofore unrecorded Rector of Brindle.

upon declared, and died in your Grace's wars at Barreweke [Berwick]: the said Sir Thomas Bulkeley, Richard Stanley, Jamys Lowe, and other his servants who were present with him when he died, shewed the said will to Dame Margery Gerrerd, his wife, to plaintiffs, and to many others, and also exhibited the same in the Spiritual and Temporal Courts. Thereupon, the said Sir Thomas Bulkeley and his co-feoffees ordered the said lands and the profits thereof until Thomas Gerrerd, Esq., son and heir of the said Sir Thomas, entered into certain lands and tenements, parcel of the said premises, and has taken divers of the issues and profits thereof, and has troubled the poor tenants there, taking from them large sums of money and fines at his pleasure, to their great loss. Moreover, of late there has arisen a division between the said Sir Thomas Bulkeley, James Lowe, and Richard Stanley concerning certain articles expressed in the said will, the said Lowe and Stanley saying that the younger sons of the said Sir Thomas Gerrerd should have no lands but annuities going out of the same, and that Elizabeth, his youngest daughter, should not have 300 marks towards her marriage to be taken out of the profits of the said lands, and reporting other things to be otherwise than they are in the said will, whereas the said Sir Thomas Bulkeley affirms according to the said will, whereby the debts and other things necessary are not paid or done.

Pray for Letters of Privy Seal.

M. 3. a.

The answer of Richard Stanley and James Lowe.

They say that the said Sir Thomas Gerrard, being in the King's wars at Barwyke [Berwick], made his will in the presence of Sir Thomas Bulkeley, Richard Stanley, and James Lowe, whom he made executors, and thereby declared that his four youngest sons should have £40 a year out of his lands for their lives, and should not meddle with the letting or setting of any of his said lands. Testator gave to the said Sir Thomas Bulkeley for his trouble £6 13s. 4d., but defendants say that he caused to be written in the said will that he was to have 10 marks yearly for his life, to be taken out of the said lands, which is clearly "ffaux," without that that, &c., &c.

The answer of Sir Thomas Bulkeley, Clerk.

M. 3. b.

Sir Thomas says that the last will of the said Sir Thomas Gerrard was found by office taken before the Escheator of the county of Lancaster, which will, so found, is the true one which the said Sir Thomas made of his lands and tenements.

The replication of Sir William Molynex and others.

M. 3. c.

The said Sir Thomas Gerrard willed that his feoffees should grant to his son, Pyers, and to all his younger sons, lands and tenements, parcel of his inheritance, of the yearly value of £10 for term of their lives, in such convenient places as the said feoffees should think fit, without that that, &c.

DECREES AND ORDERS, VOL. 6. F. 152. HILARY TERM,
26 HENRY VIII. [1535].

It is ordered and decreed that the said feoffees shall from henceforth peaceably occupy all the said premises so assigned by the said last will of the said Sir Thomas Gerrard, without let or interruption of the said Thomas Gerrard or his heirs, and that the profits of the same shall remain in the hands of the said feoffees until further order shall be given.

ROBERT PARKER *versus* JOHAN SOUTHWORTH, WIDOW, AND
OTHERS *re* TRESPASS AND INTERRUPTION OF OCCUPATION
OF TITHE CORN OF HESTE IN BOLTON IN LONSDALE BENEFICE AND PARSONAGE.

To the Right Hon. Sir Richard Wyngfeld, Knight.

ROBERT Parker complains that where Edward Stanley, Knight, late Lord Mountegle, whose seal John Pardon had a lease of Mr. Dalby, Archdeacon of Richemond of the parsonage of the benefice of Bolton in Lonsdale, in the county of Lancaster, for certain years, whereof five or six are yet to come, as by certain indentures thereof made more at large appears, which Lord Mountegle in his lifetime demised and let to farm, and also by his last will gave to plaintiff the tithe corn of Heste [Hest] parcel of the said benefice, to hold during the said term he paying yearly the farm due and accustomed, which

Vol. xviii. N.D.
[Calendar 2
N.D.]
P. 5.
Henry VIII.

plaintiff has accordingly done: Yet this notwithstanding, one *Joan Southworth*, of Overkelleth, in the county of Lancaster, widow, Thomas Assheton, of Heste, and Richard Southworth, priest, and "Ermeyt," of their cruel minds, by the maintenance of their friends vex and interrupt plaintiff in the occupation of the said tithe corn, so that he cannot enjoy the same, to his great impoverishment.

Prays for Letters of Privy Seal.

To *Jenet Southworth*, widow, and Thomas Asshton to appear
13 Easter.

SIR JOHN STANLEY, KNIGHT, EXECUTOR OF JAMES STANLEY, LATE
BISHOP OF ELY, PARSON OF WYNWYKE CHURCH *versus* RALPH
HUME *re* DISPUTED CLAIM TO ARREARS OF PENSION.

To the Right Hon. Sir Harry Merney, Knight.

Vol. xviii. N.D.
[Calendar 2
N.D.]
S. 9.
Henry VIII.
[circa 1515.]

JOHN Stanley, Knight, executor of the last will of the Rev. Father in God, James Stanley, late Bishop of Ely,¹ complains that where the said Bishop was at one time parson and curate of the Church of Wynwyk, in the county of Lancaster, by reason whereof he ought to pay yearly to the Prior of the House and Monastery of St. Oswald's, in the county of York, a yearly pension of £5: and where also the said pension was unpaid for four years and more, by reason whereof the said Bishop two or three years before his decease gave to Ralph Holmes, of Manchester, in the county of Lancaster, gentleman, about £22 to pay the same to Richard then and still Prior of St. Oswalds, for the said arrearages, which he accordingly did, and the said Prior delivered to the said Ralph a sufficient discharge in writing: Yet that notwithstanding, said Prior unlawfully sues plaintiff as executor to the said Bishop for the said arrears. Plaintiff has often asked the said Ralph to deliver up the said acquittance which he always refuses to do.

Prays for writ of Subpena.

S. 9. a.

The answer of Raufe Hulme.

In the 1st year of the King that now is [1509-10], the said late Bishop caused Sir John Bexwyk, priest, to deliver to defendant

¹ This will was proved 23rd May, 1515.

£22 10s. od. to pay to the said Prior of St. Oswalds, if upon receipt thereof the latter by his deed would acquit the said Bishop of all the arrears due to him, which the said Prior utterly refused to do, whereupon the said money remained in defendant's hands, he intending to set it up in part payment of a sum of money which the said Bishop owed him. Afterwards, on the 16th March, in the 3rd year of the King, that now is [1512], the said Bishop caused defendant to sign and seal a bill whereby the latter was bound to pay the former the said £22 10s. od. or else to discharge him against the said Prior for the same: which said bill the said Bishop gave to the said Prior who received it in payment of the said sum. Afterwards, defendant satisfied the said Prior who returned to him the said bill, thereby fully discharging him.

The replication of Sir John Stanley, Knight.

S. 9. b.

Prays that defendant may be compelled to deliver to him the said bill in order that he may discharge the action brought against him as executor of the said Bishop.

CUTHBERT TUNSTALL, CLERK, THE KING'S RECORD KEEPER OF THE COURT OF CHANCERY *versus* JOHN CLAGHTON AND OTHERS *re* WARDSHIP OF LANDS AND TENEMENTS AND CHARGE OF DEER KILLING AT FAIRTHWAYTE PARK, MELLYNG, WRAYTON, THORNTON AND THURLAND.

"To Maistre Sir Henry Marney, Knyght, Chaunceller of the Duchye of Lancastre is good maistership."

CUTHBERT Tunstall, Clerk, Keeper of the King's Records of his Court of Chancery, complains that where it has pleased the King by his Letters Patent to grant to him the custody and ward of Marmaduke Tunstall, son and heir of Bryan Tunstall, deceased,¹ brother of plaintiff, and of all the lands and tenements late of the said Bryan, which ought to descend to the said Marmaduke: Now so it is, that of late John Claghton and John Hirdman, his servant, with other malicious persons, in the night time, the

Vol. xviii. N.D.
[Calendar 2
N.D.]
T. 2.
Henry VIII.

¹ Bryan Tunstall died in 1573.—*Inquis. Port. Mort.*, 5 Henry VIII.

Friday after the twelfe day last past, and at other times, have gathered in riotous manner at Fairthwayte Park in the county of Lancaster, parcel of the inheritance of the said Marmaduke, and in other woods and closes thereto adjoining and there hunted and killed the deer and conies belonging to plaintiff, and shot arrows at the keepers there, whereby they have been in great fear. Moreover, on the 1st day of May last, the said John Claghton and John Hirdman and other armed persons lay in wait for Sir John Bonyngton, priest, and Giles Langton, at the parish of Thornton, and there assaulted and hurt them, so that plaintiff is like to have "ne gete noo keeper" there for the safeguard of his said deer, and conies whereby they are likely to be all destroyed.

Complaint of these misdemeanors was made on plaintiff's behalf before Master Conyngesby, Justice at Lancaster, at the Sessions, when it was clearly proved that the said John Claghton and John Hirdman were guilty of the premises, whereby an injunction was given to Lawrence Starky, the Under Sheriff, to put the said John Claghton into prison and to keep him there until the quindene of Michaelmas following, and then to bring him before the Chancellor of the Duchy, but the said Lawrence disobeyed the said injunction and allowed the said John to go at large and at his liberty in hunting, hawking, and other sports in the company of Master Edward Stanley, Esq., in the fields of Mellyng, Wrayton, and elsewhere.

Prays for writ of Subpena.

T. 2. a.

The answer of John Claghton and John Hirdman.

Defendants say that the said Sir John Bonyngton and other riotous persons lay in wait at Yreby [Ireby], in the county of Lancaster, to beat the said John Claghton, but he hearing of it avoided them until the 1st day of May, when he happened to be at a court held at a town called "att Burton," within the parish of Thornton, where were also the said Sir John and Giles Langton, who followed defendants when they left the said town and overtook them. The said Langton with a "pyked staffe" then "strake" the said Claghton and felled him to the ground, and the said Bonyngton and Hirdman "yche of theym strake other," without that that, &c., &c.

The replication of Cuthbert Tunstall, Clerk.

T. 2. b.

Plaintiff says that defendants were guilty of the said assembly, riots, hunting and beating, the said John Bonyngton and Giles Langton being of and in the lordship of Thurland. Defendants are guilty of perjury because the depositions made by them in this Court are "contrariaunt and repugnaunt" to those made by them before Master Conyngesby.

TENANTS OF THOMAS, EARL OF DERBY *versus* THE INHABITANTS OF MIDDLETON, TENANTS OF RICHARD ASSHETON, PRAYING FOR A COMMISSION CONCERNING METES AND BOUNDS OF LORDSHIPS OF BURY AND MIDDLETON.

To the Right Worshipfull Sir Henry Marny, Knight.

MEMORANDUM that where controversy and debate have of long time been had between the inhabitants of the lordship of Bury, in the county of Lancaster, tenants of the Right Hon. Thomas, Earl of Derby, of the one part, and the inhabitants of the lordship of Medilton [Middleton], in the said county, tenants of Richard Assheton, Esq., of the other part, for the "Mettes and boundes" of the said two lordships, both the said Earl and the said Richard Assheton for a "Tranquillitie and peas" to be had amongst the said tenants desire that they may have a Commission to be directed to the persons underwritten "To a Certeym [ascertain] the King and hys honourable Counsell of hys said Duchye, under their Sealles of the Trowthe what they shall perceyve in the premyssez," in the utas¹ of the Purification of Our Lady next to come.

Vol. xx. N.D.
[Calendar 4
N.D.]
B. 5.

Sir Peris Legh, Clerke,
Sir Henr. Halsall, Knyght,
Edmund Assheton, Squyer,
Robt Holt, Squyer,
Ric. Hesketh, and quorg,
Ric. Snede, or iiij. of them, So that
the said Ric. Hesketh be oon.

¹ Utas is the space of eight days after a festival.

ARTHUR CHADWYK, PRIEST *versus* HUGH GARTSYD AND THOMAS
CHADWYK *re* DETENTION OF TITLE DEEDS OF A TENEMENT
IN MANCHESTER.

To the Right Hon. Sir Richard Wyngfeld, Knight.

Vol. xx. N.D.
[Calendar 4
N.D.]
C. I.
Henry VIII.

"MEKELY shewyth," to your good Mastership, your daily orator Arthur Chadwyk, priest, son and heir of Geffrey Chadwick, of Rochdall, in the county of Lancaster, that where the said Geffrey was seised of a tenement with a garden set in the town and fields of Manchester, in his demesne as of fee, and died thereof seised, after whose death the use and right of the said premises descended to plaintiff: and whereas at his father's death plaintiff being "fer ow't" of the said county, Hugh Gartsyd, of Aywood [Heywood], gentleman, and Thomas Chadwyk, of Rochdall, yeoman, came to the house of the said Geffrey and took away all the evidences concerning the premises, to the utter undoing of plaintiff, who has frequently requested the said Hugh and Thomas to deliver the same to him.

Prays for writ of Subpena.

RICHARD DUDLEY, CLERK, PARSON OF WARTON *versus* JOHN
LAWRENCE AND OTHERS *re* TRESPASS ON THE TYTHES
AND DUES AT WARTON CHURCH.

To the Hon. Sir Henry Marny, Knight.

Vol. xx. N.D.
[Calendar 4
N.D.]
D. I.
Henry VIII.

"IN full humble wise shewith," Richard Dudley, Clerk,¹ that where King Henry VII. by Letters Patent, under the Seal of the Duchy, in the 23rd year of his reign [1507-8], presented plaintiff to the benefice of Warton, in the county of Lancaster, parcel of the said Duchy, by force whereof plaintiff was admitted parson and instituted to the same by the ordinary, as by Letters Autenticall more plainly may appear: Howbeit, Joen Lawrence, of the said county, Esq., "litell dreading the Censures of Holy Church," on the 8th day of October last, sent John Whittington,

¹ This is the earliest recorded Vicar of Warton.

gentleman, John Thomson, John Gurnell, Richard Croft, and about 80 of his servants and tenants, in defensible array and harness, to the said benefice, who then broke open the doors of the parsonage there, entered into the same, threshed and carried away plaintiff's corn and grain then being in his barns there, and employed for their own use all the tithes, oblations, mortuaries, and other emoluments thereto belonging.

Moreover, the said John Lawrence ever since the said 8th day of October, has kept a garrison of men in harness in the steeple of the said Church, and has used the said Church as a kitchen, roasting meat in it. And when the Curate, having taken the Blessed Sacrament with him into the parish to minister to sick persons, desired to enter the said Church, the said persons irreverently, "more like children of dampnation than of Salvation," kept him out of the same for a long time.

As the said John Lawrence is one of the Commissioners of the Peace in that shire, and as no other Justice of the Peace lives near, he is the more bold to offend.

Prays that a Commission may be appointed to enquire into the said riots.

TENANTS OF SKERTON *versus* ALEXANDER, ABBOT OF FURNESS MONASTERY, JOHN TOWNLEY *versus* RICHARD TOWNLEY *re* FORCIBLE ENTRY AND TORTIOUS POSSESSION OF LANDS AND TENEMENTS AT HAPTON, *re* DISPUTED CLAIM TO A FISHGARTH IN LOYNE WATER.

To the Right Hon. Sir Thomas Moore, Knight.

JOHN Houseman, John Figge, John Redmayn, Peter Brigges, Thomas Housman, John Trenchmeyr, Robert Wyngreng, and Henry Jackson, the King's poor tenants of Skerton, in the county of Lancaster, with all other the tenants and inhabitants there, complain that where Alexander, now Abbot of the Monastery of Furness, in the county of Lancaster, has wrongfully set and

Vol. xix, N.D.
[Calendar 3,
N.D.]
S. 2.
Henry VIII.

¹ Alexander Banke (or Banck) was Abbot from about 1506 to 1532.

"edyfied" in the water of Loyne [Lune] a fish yard with great "pylez, stakez, stonez, and gravell" of such great height and strength that the said water is stopped of the right course and constrained to "Ryn, flow, washe, and beyte" upon the said town of Skerton and other the King's lands, and also the highway there, by reason whereof they are greatly wasted, beaten down and decayed, to plaintiffs' extreme undoing, and to the great prejudice, "noyaunce, and perlouse passage" of all His Majesty's subjects riding or going in the same way.

Moreover, the said Abbot has caused plaintiffs to be wrongfully indicted for riot and trespass at divers times, whereof they were not guilty, whereby they have been put to great expense and have had to pay large sums of money for their fines, and by many other unlawful means has daily vexed plaintiffs intending to beggar them.

Pray for writ of Privy Seal.

S. 2. b.

The answer of Alexander, Abbot of Furness.

Defendant says the said bill is untruly imagined only to cloak their riotous demeanors against him, as by divers bills against them and their "berers" exhibited in the Star Chamber more plainly appears. Inasmuch as plaintiffs confess that they have had to pay large sums of money upon the said indictment, it proves that the same is true. Defendant says that he and his predecessors, Abbots of Furness, have time out of mind been seised of the said "ffysshegarth" in right of the said Monastery, and during that time have repaired the same as often as was needful, without that that, &c., &c.

MARGERY HOLAND *versus* RICHARD HALSALL AND OTHERS *re*
PARTIALITY OF CORONER AT AN INQUEST AND FALSE
IMPRISONMENT FOR MURDER.

To the Right Hon. Sir William Fitzwilliam, Knight.

Vol. xxi. N.D.
[Calendar vol.
5, N.D.]

H. 18.
Henry VIII.

MARGERI Holand, late wife of Rauffe Holand, of Downe-holland, in the parish of Hallsa, in the county of Lancaster, widow, complains that where her said husband on "Our Lady day thassumpcion" last past, coming between his own house

and his parish Church in God's peace and the King's, one Richard Hallsall, with his servant, Thomas Mathew, and John of Fareclyffe, servant to James Halsall, set upon him "in suche wyse that he in Nowise myght escape their handes, and they all to gedar strake at him and fellyd hym to the grownde, and at the last stroke the said Rychard Halsal with an ashen staff murthered hym lyng styll vpon the grownde," and to cloak and escape the danger of his cruel murder the said parties caused a "Crownor's quest" to sit upon the matter 10 miles from the place where the deed was done, which the Coroner had no right to do: and by "coven" had between them the said Coroner caused plaintiff's said husband to be indicted as "accasioner and cawse" of his own death, and caused plaintiff, her said husband's son, and brother, and other of her friends to be arrested and bound over to keep the peace.

As the said Richard Halsall is very rich and of great power, and plaintiff is very poor she is without remedy, unless Letters of Privy Seal be directed to the said persons.

RICHARD HUXLEY, CLERK *versus* THOMAS GORSYTHE AND
JAMES JOHNSON *re* ILLEGAL ARREST AND TUMULT
AT ORMSKIRK CHURCH.

*To the Right Hon. William, Earl of Hampton, Lord Admiral of
England, and Chancellor of the Duchy of Lancaster.*

HUGH Huxley,¹ Clerk, complains that where he and others hold in farm of the King the parsonage of Ormeskirke, in the county of Lancaster, by lease from his Majesty, paying for the same yearly £40 11s. od.: Now so it is, that Thomas Gorsythe, of Ormeskirke, gentleman, of his busy and troublous mind, intending to "defatigate" plaintiff so that he will be glad to give over his said farm, at Easter last caused James Johnson, his servant, to sue forth a warrant of the peace against Richard Gelybrond and Ewan Allerton, plaintiff's servants, whom he (plaintiff) had appointed to collect the profits of "Estur rolle," and other

Vol. xxi. N.D.
[Calendar vol.
5, N.D.]
H. 25.
Henry VIII.

¹ Hugh Huxley (or Uxley) had the Rectory leased to him from the King in 1537.

duties usually paid at the said feast : also in the feast of Easter last when high mass was being celebrated in the said Church of Ormeskirke in the presence of the said parish and when most of the inhabitants were diligently preparing themselves to receive the most Blessed Sacrament, and when plaintiff's servants were most busy collecting the said tithes, the said Gorsyche and Johnson caused Richard Morecroft, constable of the said town to arrest the said Richard Gelybrond by force of the said warrant, which he did openly in the said Church, to the great disturbance of the congregation. When the said arrest was made, the said Allerton plaintiff's other servant fled away for fear of being also taken up, whereupon such "tumultuacon" was moved in the said Church as has never been seen before during divine service, which said arrest was not only contrary to the statute made 1 Richard II. [1377-8], but also caused plaintiff great loss.

Prays that the said Gorsyche and Johnson may be called up to answer to the premises.

DECREES AND ORDERS, HENRY VIII. VOL. 7. FO. 33.

Inter
Huxley et
Gorsyche.

It is decreed that the said Thomas Gorsyche shall willingly permit his tenants and friends dwelling in the parish of Ormeskirke to help the said farmers for their reasonable money in their business concerning the said farm when it shall please his said tenants and friends so to do : and that the said Gorsyche shall not bear any grudge towards them for so helping, and shall not persuade them to refuse so to do : all which things the said Gorsyche has firmly promised to perform.

PETER LANCASTER AND RALPH LANCASTER, CLERK *versus* JOHN MODY AND SIR THURSTAN MODY, CLERK *re* CONTEMPT AND RESISTANCE TO KING'S PROCESS OF SUBPENA AT EKYSTON [ECCLESTON].

To the Right Hon. Sir Henry Marny, Knight.

Vol. xxi. N.D.
Calendar 5,
N.D.]
L. 6.
Henry VIII.

PIERS Lancaster and Rauff Lancaster, Clerks, complain that where they, upon sute made to your Mastership last term, obtained Privy Seals directed to Richard Lancastre, Humffrey

Sommer, Sir Robert Summer, John Mody,¹ and Sir Thurstan Mody, Clerks, to appear at Westminster in the octaves of Holy Trinity last past, all which Privy Seals were delivered accordingly, but none of the parties appeared: and where plaintiffs on the Friday next before "Whitson-Sunday" last went to Ekyston [Eccleston], in the county of Lancaster, to deliver a Privy Seal to the said Sir Thurstan Mody, but he went away from his lodging and would not be found, wherefore plaintiffs left the same in his chamber in the presence of the "wife of the house" and desired her and Christopher Mody, brother of the said Thurstan, to give him warning thereof. Afterwards plaintiffs left the said town and were going home, but when they had got about a mile away William Lykecars, William Hodson, Thomas Crychelowe, with 60 others, at the command of Jamys Anderton, gentleman, lay in wait to murder them.

[Here the document ends abruptly.]

[Endorsed.] Hereupon a Privy Seal is direct to the said parties in the "tres" of saint Michael next.

PERCIVAL LYVESEY AND JAMES CATERALL, TENANTS OF THE ABBOT OF WHALLEY *versus* GILBERT SOTHEWORTH AND OTHERS *re* RIGHT OF RAISING MEN IN BLAKEBURN, WHALLEY, AND CLITHEROE TO SERVE IN THE KING'S WARS.

To the Right Hon. Sir Henry Marny, Knight.

PERCYVAL Lyvesey, Henry Lyvesey, and James Catterall, of Blakburne, in the county of Lancaster, tenants of the Abbot of the Monastery of Whalley, complain that where they according to their duties and the commandment of the steward of the said Monastery put themselves in readiness to serve the King in his wars against his ancient enemies the Scots, in the retinue of the said steward, as all the tenants of the said Monastery have been accustomed time out of mind to do, and being in such readiness they awaited further orders: Yet this notwithstanding, Gylbert Sotheworth, Ewan Sotheworth, gentleman, Richard Sotheworth, and Thomas Holden on the 14th day of July last, 14 Henry VIII.

Vol. xxi. N.D.
[Calendar 5,
N.D.]
L. 19.
Henry VIII.
[1522].

¹ John Moodye was Rector of Standish in 1544.

[1522], riotously entered plaintiff's dwelling places at Blakburne and took plaintiffs away by force without any authoritie and led them as felons to the Castle of Clydrowe, in the county of Lancaster, eight miles away, and there committed them to "strayte" prison, where they remained for six days until the said offenders, being satisfied in their cruel and injurious minds, released them.

Prays for letters of Privy Seal.

L. 19. a. The answer of Gilbert Sothworth.

Defendant says he is not guilty of any riot or unlawful assembly. He further declares that Sir Richard Tempest, Knight, is High Steward to the King of the said town of Blackburn and of divers other towns within a precinct called Blackburnshire, and that all the inhabitants within the said precinct have been accustomed time out of mind to serve the King in the company of the steward of Blackburnshire or his deputy. And when it was supposed that the Scots would invade this realm the said Thomas Sothworth being then deputy steward there commanded plaintiffs and all other the inhabitants of Blackburn to be ready to serve the King in the company of the said steward, which they flatly refused to do, whereupon the said Thomas, according to the ancient custom in such causes, had commanded the said Gilbert, his household servant, to tell plaintiffs that they must go to Cliderowe Castle on account of their said refusal, without that that, &c.

L. 19. b. The answer of Ewan Southworth and Thomas Holden.

(As above.)

L. 19. c. The replication of Percyvall and Henry Lyvesey.

Plaintiffs say that because they refused with others to pay to defendants 10s., they were imprisoned as in their said bill is alleged.

RICHARD NORRES *versus* SIR EDWARD MOLYNEUX, CLERK,
PARSON OF SEFTON,¹ AND OTHERS *re* MALICIOUS PROSECUTION,
EMBRACERY, AND FALSE IMPRISONMENT IN LANCASTER CASTLE.

To the Right Hon. Sir William Fitzwilliam, Knight.

RICHARD Norrez, of Kyrkeby, in the county of Lancaster, now remaining in ward in the Castle of Lancaster where he has been for three months to the utter undoing of his poor wife and children, complains that where lately plaintiff was feloniously robbed of his goods and chattels by one William Knollez, then household servant to Edward Molyneux, Clerk, parson of Sefton, John Richardson, of Maghell, in the said county, and Thomas Harryngton, of the same town, and divers others, who for the said felony were indicted before the Justices at Lancaster: the said Thomas Harrington fled the country and is therefor outlawed, and the said Knollez and Richardson were brought to the bar and arraigned for the said felonies against whom the plaintiff gave evidence, and who were found guilty and had judgment and execution accordingly. Ever since that time the said parson has borne his "extreme and utter malice" against plaintiff, saying openly that within a year he would see him hanged or else it should cost him £100; shortly afterwards at a halmote held at Kirkeby, the said parson sitting on the bench caused plaintiff to be wrongfully presented of misdemeanors, and after that the said Molyneux being a common "embrasyator" of inquests and juries in that county has caused plaintiff to be unjustly indicted for felonies, submitting that he broke into the house of Richard Hale and took thence certain goods and chattels, whereto plaintiff pleaded not guilty, but at the sute of the said parson the Jury found plaintiff guilty, by reason whereof he still remains in prison.

Vol. xxi. N.D.
[Calendar vol.
5, N.D.]
N. 2.
Henry VIII.
[before 1535.]

Inasmuch as plaintiff is in such utter penury that he is unable to maintain himself, his wife, and children, one of whom is "but oonly of the age of xx^v wekes," he prays that he may be released from prison.

¹ Edward Molyneux, Rector of Sefton, died in 1535.

BRIAN MARCROFT *versus* THOMAS KYRKBYE, PRIEST, AND RICHARD SMITH, CLERK, REPRESENTATIVES OF SIR EDWARD MOLYNEUX, CLERK, DECEASED, AND PARSON OF SEFTON *re* CLAIM OF DEBT UPON OBLIGATION AS SURETY FOR DECEASED TO THE PRIOR OF BURSCOUGH.

To the Right Hon. Lord Privy Seal, Earl of Southampton.

Vol. xxi. N.D.
[Calendar vol.
5, N.D.]
M. 2.
Henry VIII.

B RYAN Marcroft, priest, complains that where he and Edward Molyneux, late parson of Sefton, in the county of Lancaster, deceased, were jointly bound to the late Prior of Broscoc [Burscough], by their deed obligatory in the sum of 50 marks sterling, which was the "very dett" of the said Molyneux and for which plaintiff was called to the Court of the Duchy Chamber in Trinity term last past, and there Master Boys, the Attorney-General demanded of plaintiff the said 50 marks for his Majesty's use : plaintiff then told him that the said Molyneux died possessed of goods and chattels to the value of £200 or £300 sterling, the greater part whereof came into the hands of Sir Richard Smyth, parson of "Bwre" [Bury], in the county of Lancaster, Thomas Kyrby, priest, Robert Williamson, and Peter Darwynne, who converted the same to their own use, and refuse to pay the said debt.

Prays for Letters of Privy Seal.

M. 2. a. The answer of Thomas Kyrkbye, priest, Robert Williamson, and Peter Derwyn.

Defendants say that the said Edward Molenex ordained Sir William Laylond, Knight, executor of his will, and that after his (Molenex's) death the said Richard Smyth sequestered the goods and chattels of deceased and commanded defendants to go to Sefton, seize the goods of deceased there found, sell the same, and with the money therefrom arising to pay his funeral expenses, servants' wages, &c. This they did, and delivered the residue of the money to the said Sir William Laylond and Richard Smyth. Afterward, the Reverend Father in God, Thomas, Archbishop of Canterbury, because the said Molyneux had benefices and goods in divers dioceses, sequestered all deceased's goods and debts, whereupon defendants were called up by citation before Dr. Gwent,

Dean of the Archers, to render account of the same, which they did, and therefore, have nothing remaining in their hands, without that that, &c.

The replication of Brian Morecroft, priest.

M. 2. b.

Plaintiff says that according to the account made by defendants they have in their hands more than 100 marks more than they have discharged, wherefore, he prays that they may be compelled to pay to the said King the said debt of 50 marks.

THOMAS MOLYNEUX *versus* THOMAS NAYLOR *re* BREACH OF
MARRIAGE SETTLEMENT OF LANDS IN PEMBERTON
AND UPHOLLAND.

To the Right Worshipful Sir Richard Wynkefeld.

THOMAS Molyneux, of Pemberton, in the county of Lancaster, yeoman, complains that where Thomas Nayler, of Uppeholland, in the said county, yeoman, was seised of a messuage 20 acres of land, 28 acres of wood, and 20 acres of common, with their appurtenances in his demesne as of fee, and so seised, had issue a daughter, Agnes, and thereupon there was "Comunicaçon of Covenantes of maryege" between plaintiff and the said Thomas Nailler, who then granted all the said premises to plaintiff and the said Agnes, daughter of the said Nailler and to their heirs; plaintiff believing that the said Nailler would have performed the said covenants by deed sufficient in the law took to wife the said Agnes and "did esspose" her according to the laws of God. During the 12 years which followed, plaintiff has constantly asked the said Nailler to make an estate of the premises to him and his said wife, which he always put off doing, and now utterly refuses to do. Forasmuch as the said covenants of marriage "Rennyth" by simple Contract and bare promise without any writing plaintiff has no remedy by "Corse of the Comyng law."

Vol. xxi. N.D.
[Calendar vol.
5, N.D.]
M. 16.
Henry VIII.

Prays that a writ of Subpena may be directed to the said Thomas Nayler.

ISABEL RADCLIF, AND OTHERS, DAUGHTERS OF ROGER RADCLIF
versus THURSTAN TYLLESLEY *re* DETENTION OF TITLE DEEDS
 TO MESSUAGE AND LANDS AT MIDDLETON CALLED LANGLEY'S
 THING.

To the Right Hon. Sir Richard Wyngfeld, Knight.

Vol. xxi. N.D.
 [Calendar vol.
 5, N.D.]
 R. 3.
 Henry VIII
 [Hen. VII.]

ISABEL Radclif, Agnes Radclif, and Elizabeth Radclif, daughters of Roger Radclif, and cousins and heirs of Richard Radclif, to wit, daughters of the said Roger, brother of the said Richard, complain that where Sir Rauf Langley,¹ parson of Prestwiche, and Laurence Smyth, Clerk, were seised in their demesne as of fee of four messuages, 400 acres of land, 200 acres of meadow, and 600 acres of pasture with appurtenances called Lang Leys Thing in Myddylton, in the county of Lancaster, and so seised, gave the said premises to Jamys Radclif and his heirs; for default, the remainder thereof to Ewan Radclif for the term of his life; and after his decease to remain to Margaret, daughter of the said James for her life; after her decease to remain to Richard Radclif, his nephew, and to his heirs for ever; and the said James died without issue male, so that the said premises after the death of the said Ewan and Margaret ought of right to come to plaintiffs as cousins and heirs of the said Richard: Now so it is, that certain evidences and charters concerning the premises, and specially the interest and title of the remainder of the same, have got into the hands of Thurstan Tyllesley, of Wardles, in the county of Lancaster, Esq., which said papers plaintiffs have often asked the said Thurstan to deliver over to them, which to do he has refused.

Pray that a writ of subpena may be directed to the said Tyllesley, commanding him to give up the said evidences.

¹ This has been wrongly classified at the Record Office, Rauf Langley died between 1490 and 1507.

ROBERT WYATT, CLERK, PARSON ¹OF WIGAN *versus* WILLIAM
BRADSHAGH *re* DISTURBANCE OF THE RIGHT OF ELECTION
OF MAYOR OF WIGAN.

To the full Hon. Sir Henry Marny, Knight.

MASTER Richard Wyat, Clerk, parson of the Church of Wigan, in the county of Lancaster, complains that whereas of long time past it has been used and accustomed within the town or burgh of Wygan, that "the Burges of the same town in all vaconz of a Mair there" have been used to elect and name three persons out of the said burgesses and to present their names to the parson of the said Church, to the intent that he may appoint one out of the said three persons to be Mayor of the said borough for a whole year then next ensuing, and to do all things appertaining to his "Mairaltie," according to the liberties and franchises granted to the predecessors of the said parson by the King's most noble progenitors, as appears by their charters ready to be shown, which are confirmed by the King that now is: the which custom has always been used until now of late that one William Bradshagh, which is a "riotouse person," having neither lands nor goods in the said borough by . . .

Vol. xxii. N.D.
[Calendar vol.
6, N.D.]
W. 7.
Henry VIII.
[before 1519.]

[Here the document has been cut away.]

JOHN, ABBOT OF WHALLEY *versus* SIR THOMAS SOUTHWORTH,
KNIGHT, AND OTHERS *re* TRESPASS ON COTTAGES AND LANDS,
&C., TAKING OF TURVES FOR FUEL FROM ROMESGREVE, NEAR
BLAKEBURN AND SAMERLESBURY [SAMLESBURY].

To the Right Hon. Sir Richard Wyngfeld, Knight.

JOHN, Abbot of the Monastery of our Blsssed Lady of Whalley² and the convent of the same, complain that where Henry, sometime Duke of Lancaster, in the time of King Edward III., was seised in his demesne, as^o of fee, of two cottages, seven acres

Vol. xxii.
[Calendar vol.
6, N.D.]
W. 19.
Henry VIII.
[before Mar.
1536-37.]

¹ Richard Wyat (or Wyot) resigned the Rectory of Wigan, 1519.

² John Paslew, the last Abbot, was executed 10th March, 1536-37.

of land, 193 acres of pasture, and 200 acres of wood, with appurtenances called Romezgreve, near Blakburn, in the county of Lancaster, and he being thereof seised, held the same in severalty as appears by old ditches and boundes about the same, and afterwards gave the same to one of plaintiff's predecessors and to the Convent of the said Monastery and their successors for ever, by force whereof plaintiff and his said predecessors have held the said premises in their demesne as of fee, in the right of the said Monastery, without interruption of any until now of late that one Thomas Southworth, of Samezlesbury, in the said county, Knight, and 40 other evil disposed persons with force and arms, at the command of the said Sir Thomas, without any title of right or other cause except that he is of so "grete kyndrede, Alliaunce, ffrendshyppe, strenght, and power" in the said county that he supposes that no indifferent trial can be had against him in the said county, in May last entered the said premises and broke the ditches and hedges of the same, and have also carried away out of the same turves and other fuel to the number of 200 wain loads or thereabouts, to the great hurt of plaintiff and impoverishing of the said Monastery.

Prays that a writ of Privy Seal may be directed to the said Sir Thomas commanding him to appear at Westminster to answer to the premises.

"Hereupon a Privye Seal to be direct to Sir Thomas Southworth, Knyght, to apper Crastino Pur̄ prox̄. subpena C. ti."

END OF THE SECOND VOLUME.

INDEX OF NAMES AND PLACES.

The names of plaintiffs and defendants, and the locality where
the actions lie are printed in *italics*.

- A.
- Abolton, Robert, 47
Accrington, 106, 107
Accrington Manor, 230, 231
Achow, George, 47
Ackinge, John, 185
Adamson, William, 127
Adlington [*Adlyngton*], 95
 " Henry, 36
 " Hugh, 95
Aglomby, Alan, 24
Alcock, Thomas, 7
Aldershaw [*Aldersey*], Hugh, 136
Alen, John, 15
Alerd, Eged, 45
 " John, 43, 45
 " William, 45
Alevyns, William, 20
Allerton, Ewan, 128, 243
Allrede, John, 53
Alnetham, John de, 35
Altham Church, 34
Ampton, Rt. Hon. Earl of, 160
Anderston, Thomas, 42
Anderston, 43, 65, 89, 91, 93
 " Christopher, 67, 87-91,
 94, 97, 99
 " Elizabeth, 97
 " Ellen, 94, 95, 97, 99
 " Hugh, 87-89, 91, 94-97,
 99, 114
Anderton, James, 87-100
Anderton, James, 52, 113, 114, 245
 " Lawrence, 89, 94, 96
 " Margaret, 91
 " Master, 208
 " Maud, 97
Anderton, Oliver, 87-100
Anderton, Pers, 98,
 " Peter, 198, 199
Anderton, Peter, 87-100
Anderton, Richard, 77, 80
 " Rolyn, 89
 " Thurstan, 64, 89-97, 99
 " William, 25, 90, 91, 95,
 99
Anglezark [*Andlezhargh*], 94, 95
Anson, Richard, 69
Armarsdyng, Laurence, 114
Armeridyng, Miles, 92
Armorande, John, 151
Arram, William, 161, 162
Arrosmyth, Rauf, 58
Arrowsmith, Ralph, 60, 62, 63, 68
Ascowe, Edmund, 22, 23
Ascue, Hugh, 176
Asheton, *see also* Ashsheton
 " 86, 154
 " Henry, 193
 " James, 173
Asheton, John, 30
Asheton, Margaret, 89
 " Richard, 173
 " Sir Richard, 177
 " William, 193
Asheworth, John, 151
Ashton-under-Lyne [*Aishton*]
 Church, 122
Ashton, Richard, 233
 " Robert, 184, 185
 " Thomas, 230
Assheall, Roger, 42
Assheton-in-Makerfield, 57
Assheton, *or* Asheton, Edmund, 85,
 86, 217, 239
 " Edward, 83, 85, 217
 " Hugh, 172, 173
Assheton, Jenet, 193
Assheton, Johan, 172, 173
Assheton, John, 89, 92, 215
 " Margaret, 92, 97
 " Rauf, 143
 " Rauffe, 177
 " Richard, 83, 86
Assheton, Richard, 239
Assheton, Sir Richard, 85, 165, 166
 " Thomas, 236
Assheton, Thomas, 193
Assheowe [*Asshaw*e, *Asshow*], Lau-
 rence, 66, 85, 192, 199,
 199
 " Mistress, 60
 " Roger, 26, 55, 89

Ashton, Sir John, 87
 Askew, Edmund, 24
 Asmoll, *Hugh*, 179
 Aspull, 25, 26
 Aspull, 26, 27, 42
 Aspynhalgh, James, 37
 " Miles, 164, 167
 Astlay [Astley, Asteley], Adam, 31,
 45, 93
 " John, 43, 45, 80, 81
 " Nicholas, 45
 " Richard, 45
 Atherton [Aderton], 31
 Atherton, 222, 225
 " Anne, 222
 Atherton, *Elizabeth*, 224
 Atherton, Elizabeth, 225, 226
 " [Otherton], George, 222
 " John, 43, 44, 47
 " Sir John, 208, 224-226
 Atherton [Otherton], *Sir John*, 222
 Atherton, Richard, 44-47
 Audeley [Haldley], 164
 " Sir Thomas, 34, 198
 Aughton, 138, 139, 142-145
 Award, Thomas, 71
 Awker, Elizabeth, 72
 Awsben, Robert, 211
 Aynscogh, William, 27
 Aynsworth, George, 151
 " Joan, 177
 " John, 45
 " Robert, 178
 Aynsworth, *Robert*, 176
 Aynsworth, Thomas, 177
 Aynsworth, Laur., 166
 " Michael, 159
 Aysheworth, William, 230
 Ayshworth, Alice, 220, 231
 " James, 230, 231
 " John, 230
 Aysworth, Thurstane, 230

B

Bakbarayfell Corn Mill, 115
 Bakerhowse, 33, 38
 Baldewyn, Sir John, 121
 Ball, Lawrence, 115
 " Rauf, 95
 Balschagh, John de, 35
 Balschay, Henry, 71
 Baly, John, 17
 " Laurence, 17
 Balydene, 230
 Bamburg, Edward, 17
 " John, 11
 Bamforthland [(?) Bamfurlong], 92

Bancroft, *Miles*, 226, 227
 Banester [Banastre, Banestre, &c.],
 Nicholas, 91, 92
 " Richard, 15, 142-144, 166,
 170, 171, 184, 185, 188,
 190, 199
 " Robert, 32, 35, 143
 " Ronald, 143
 " Thomas, 65, 132, 142, 144,
 183
 Banke [Bancke], Adam, 66
 " Alexander, 241, 242
 " John, 25
 " Katherine, 94
 Bankes, Alexander, 148
 Barbour, *Edward*, 69
 Barbyn, Thomas, 53
 Bardchay, Sir Roger, 66
 Bardsay, William, 148
 Bardsey, 102
 " Antony, 19
 " Christopher, 20
 " Master, 23
 " William, 102, 147
 Barker, John, 80, 167
 " Richard, 15
 Barlewe, Nicholas, 133-135
 Barlow, Thomas, 134
 Barmondsey, 5
 Barnesyde in Lancashire, 131
 Baron, Christopher, 167
 " George, 167
 " John, 167
 " Richard, 167
 " William, 214
 Barroo, Robert, 26
 Barton, *Andrew*, 49
 Barton, Andrew, 91, 95, 141, 144,
 177, 203
 Basset, *Grace*, 212, 213
 Basset, *John*, 212, 213
 Batell, Richard, 15
 Bawdwayn, Christopher, 32
 Bawdwen, Henry, 32
 Bebbe, Hamlet, 191
 Beccansaw, George, 140
 [see Beckenshaw]
 Becconsall Manor, 141-145
 Beckenhall, Dorothy, 139, 141, 142
 Beckonsawe [Becconsall], George,
 145, 146
 Beckonsall, Elizabeth, 142
 " George, 144
 " [Bekkonsall], Henry, 142
 Beckynsall, Dorathe, 144
 " Edward, 144
 Beeke, *Thomas*, 136
 Beke, Roger, 123
 Bekensall, *Joan*, 138-145

Bekenshaw [Beckensall, Beken-
showe],
 „ Adam, Rev. 138-144
 „ Edward, 138, 140, 145
 „ Henry, 138-141
 „ Joan, 139-142
 „ John, 139
 „ William, 138, 141
Bekke, Edward, 82
 Bekke, Elizabeth, 163
 „ Thomas, 163
Bekkensall, Adam, 142-145
 Bekkensall, Dorothy, 142-146
 Bell, William, 15
 Bellingeham, Sir Roger, 24
 Benet, Edmund, 14
 Benson, James, 14
 Bent, Hamnett, 134
 „ Helen, 135
 Berdesley, Agnes, 162, 163
 „ Edmund, 162, 163
 Berne Crofte, 217
 Berwick [Barreweke], 187, 234
 Be[xwick], Hugh, 232
 Bexwyk, Hugh, 123
 „ Sir John, 236
 Bickerstaffe, 92
 Billing, 130
Billing Church, 129
Billing, William, 129
 Birchecarwood, 125-127
 Birkeheyd, John, 82
Bishop, Thomas, 160
 Bispham, 15, 17
 Blackburn, 1, 35, 71, 164, 165
 „ Church, Tythes of, 70
Blackburn Parsonage, 122
Blackburnshire, 178
Blackeburn, 245, 246
Blackley [Blakkeley], 112
 Blackrod, 64
 Blackrod Chapel, 61
 Blainscough, 95
Blakeburn, 215
 Blakelegh, Henry, 95
 „ Leonard, 32
Blakey, Christopher, 109, 110
 Blakey [Blaykey], Laurence, 109
 „ Roger, 32
 Blakey, John, 214, 223
 „ Roger, 213, 214, 223, 224
 Blemeley, James, 180
 Blevyn, Richard, 13
 Bleystons, Sir John, 126
 Blook, John, 230
Blundell James, 4
 Blundell, John, 143
 Bobotham, Joan, 85
 Bochaw, 115

Bochier, John, 14, 16
 Bokey, 97
 Bolcoke, Thomas, 33
 Bold, Dorothy, 192
Bold, John, 30
Bold, Margaret, 191, 192
Bold, Richard, 191
 Bold, Sir Richard, 191, 192
 Bolde, Elizabeth, 175
 „ John, 52
Bolde, John, 175
 Bolton, 9, 160
Bolton, 193, 235
 Bolton, Adam, 45
 „ Sir Christopher, 21, 23
 „ Laur., 167
 „ Nicholas, 33, 38
 „ Parish Church, 193
 „ Robert, 42, 45
 „ Thomas, 97
 „ William, 69
Bolton, William, 161
 Bonaster, Henry, 71
 Bonde, Rev. Thomas, 49
 Bony, Richard, 14
 „ Robert, 13, 14
 „ William, 13
 Borecogh, Hugh, 92
 Bost, John, 19
 Boteler, Elizabeth, 206-208
 „ Nicholas, 58
 „ Richard, 95
Boteler, Sir Thomas, 43-47, 206,
 207
 Boterworth, Margaret, 64
 Botheman, Henry, 33, 38
 „ William, 34
 Boterworth, James, 66
 „ Margaret, 66
 Bower, Ric., 167
Bowker, Geoffrey, 112
 Bowker, Perys, 112
 Bowrehey, 79
 Boyngton, Sir John, 238, 239
 Boys, Master, 248
 Braddelsume, 153
Bradley, Thomas, 211
 Bradsha, Sir Roger, 55
 Bradshagh, Rauff, 118, 210
 „ Sir Roger, 63
Bradshagh, William, 251
 Bradshaghe, Rauffe, 42
 „ William, 42, 43
Bradshaw, Francis, 159, 160
 Bradshaw, James, 214
 „ John, 159, 160
Bradshaw, Laurence, 176, 177
 Bradshaw, Peres, 215
Bradshaw, Peter, 159, 160

- Bradshaw, Rauff, 160
 " Richard, 214
 " William, 124, 125
 Bradshawe, Henry, 232
Bradshawe, Ralph, 51, 52
 Bradshawe, Robert, 214, 216
Bradshawe, Sir Roger, 42
 Bradshay, John, 92
 " Roger, 58
 Bramister, Henry, 71
 Breerlie, Richard, 217, 218
Breerley, Henry, 83, 84
 Breerley, Richard, 83
 Breers, Roger, 91
 Breighmet [Brightmete], 176, 177
 Brenthall . . . 214
Brerecliff, 181
 Brerecliffe, 37
 " Gilbert, 89, 91
 " Peres, 37
 Breres, Thomas, 89, 91
 Brereton, Sir Richard, 199
 Breerley, John, 86, 87
 Breris, Gilbert, 93
 " Oliver, 93
 " Richard, 94
 " Roger, 92
 Breydekyrke, James, 14
 Brerys, Thomas, 93
 Bridestwysell, Adam de, 35
 Bridshaw, Roger, 96
Briercliff, 168
 Brigges, Isabel A., 3
 " Peter, 241
 " Robert A., 2, 3
Brigges, Thomas A., 2, 3
Brighouse, 2
 Brindle [Brynhill], 233
 Brokefeld, Henry, 126
 Bromelaye, Richard, 53
 Bronelow, Laurence, 177
 " Roger, 177
 Broughton, Christopher, 167
 " Henry, 167
 " James, 167
 " Thomas, 167
 Brown, Edward, 228
 " Elen, 58
 Browne, Edward, 227
 " Ellen, 212
 " James, 143
 " John, 232
 " Mistress Lore, 91, 92
Browne, Ralph, 211
 Browne, Rauf, 66
 " William, 91, 143
 Brownecroft, 89
 Broxup, Edmund, 91, 92
 Broxpe, Edmund, 114
Bruche, Richard, 228, 229
 Bruche, William, 120, 121
Bruche, William, 121, 137, 138
 Bruer, Alis, 145
 " James, 145
 Brydesturysel, Richard de, 35
 Bryndyll, 89
 Buckley, Alexander, 64
 " Elizabeth, 64
 Bukshagh, 89
 Bulcock, Thomas, 34
Bulcoke, Thomas, 31, 32
 Bulhagh, Richard, 94
 Bulhawghe, James, 167
 Bulkeley, Sir Thomas, 233-235
 Bulkok, Thomas, 35, 38, 39
 Bulkoke, James, 32
 " John, 32
 Buller, John, 15
 Bullinge in Warrington, 230
 Bulloke, Robert, 25
 Burdeman, Robert, 53
 Burgan, Thomas, 109
 Burgon, Thomas, 126
 Burgoyne, Thomas, 101, 103
 Burnley, 37, 169
 Burnley Chapel, 34
 Buron, Sir John, 87
 Burscogh, 126
 " Prior of, 90, 127
Burscough, 125
Burscough, Prior of, 125, 248
 Burscough, Robert, Prior of, 126
 Burskawe, Hugh, 91
 Busshell, John, 185
 Butler, Anne, 17
 " George, 17
 " John, 14
 " Sir John, 14, 17
Butler, Margaret, 9-19
Butler, Nicholas, 49, 74, 75
Butler, Thomas, 9-13
 Butler, Thomas, 14, 15
 " Sir Thomas, 16, 18, 19, 30,
 137, 192, 228-230
Butler, Sir Thomas, 120, 121.
 Bury, 108, 109, 153
 Bury [Burre], 248
Bury Parsonage, 153
 Byghley, Robert, 45
 Byllington, Laurence, 11, 13
Byrchall, John, 210
 Byrche, Richard, 77
Byrcheley Manor, 175
 Byrkenhead, Robert, 127
 Byrkhtned, Robert, 125
 Byrom, Adam, 161, 162

C

Canne, Thomas, 126
 Canterbury, Thomas, Archbishop
 of, 245
 Carleton, Little, 15
 „ William, 15, 17
 Carr Meadow, 84
 Carter, James, 14
 Cartmell, 41, 72
Cartmell, 69, 115, 146-148
Cartmell Fell, 2
 Cartmell, Prior of, 21, 40, 72, 73
Cartmell, Prior of, 39, 40, 69, 70
Carter House, 69, 71
 Cartwright, Thomas, 228
 Casker, Edmund, 71
 Caterall, Elianor, 169
Caterall, James, 245
 Caterall, Peres, 57
 „ Rafe, 143
 „ Richard, 58
 „ Robert, 116
 „ Thomas, 165, 169
 „ William, 71, 116, 143, 144
 Catlowe, Ric., 167
 Caton, Christopher, 28
Caton [Clayton], Edmund, 28
 Cattelawe, Roger de, 35
 Causon, Richard, 22
 Cawderaw, John, 142
 „ Rafe, 142
 Chadwick, Geoffrey, 240
 „ Thomas, 240
Chadvyk, Arthur, 240
Chadvyk, Thomas, 240
Chalner, Adam, 104
 Chamberleyn, Gilbert, 195
 Chapman, Roger, 215
Charnock Lordship, 194, 195
Charnock, Thomas, 194
Charnock, William, 200
 Charnok, Henry, 26
 „ William, 93
Charnoke, William, 183, 184
 Chatburne, 35
Chatterton, Edmund, 112
Chernock, William, 203
 Chernocke [Chernacke], William, 89,
 91
 Chester, 15, 34, 64, 116, 136
 Chete, 103
 Chetham, Elles, 114
 „ Robert, 167
 „ Thomas, 114
Chetham, Thomas, 112
Childwall, 116
 Chipping, 71, 211
Chipping, Chantry Lands in, 71

Choll, George, 46
 „ William, 43, 45, 47, 48
 Cholle, George, 44
 „ Gilbert, 44
 „ Richard, 44
 Cholmeleye, Sir Roger, 138
 Cholesey, Abbot of, 154
Chorleton, Mill at, 155, 156
Chorley, 87-94
 Chorley, 144, 226
 „ Church, 92, 96
 „ Sir Roger, 42
 „ William, 42, 68
 Chowbent, 225
 Chrychlawe, Rauffe, 114
Church, 164
 Churchkyrk, 105
 Church Parish Church, 164
Cloughton, John, 237
Clayton, Edward, 160, 161
 Clayton, Henry, 35
 „ John, 89, 171
 „ John de, 35
Clayton, John, 170
 Clayton, William, 113
Clegge, John, 230
 Clerke, James, 37
 Clerkson, William, 185
 Cleusher, 168
Clevicher, 181
 Cleyton, William, 185
 Cliderhow, Rauff, 36
 Clifton, William, 13, 14
 Clitheroe Gaol, 105
Clitheroe, 171, 245
 Clitheroe [Cletherow], 124
Clitheroe Castle, 123
 Clitheroe Castle [Clydrowe], 246
 Clitherow, 37
 Clogh, John del, 35
 Cluworth, Robert, 45
 Clyffe, Robert, 233
 Clyfford, Sir Thomas, 131, 133
 Clyttum, William a, 19
 Cockarr, Richard, 167
 Cockarre, Henry, 167
 Cockersand, George Abbot of, 150,
 151
 Coke, James, 126
 „ Richard, 144
Coke, Sir Thomas, 104
 Cokersand, Abbot of, 15, 158
 „ Monastery of, 157, 158
 Cokes, Henry, 163
 „ William, 75
 Cokeson, Richard, 25
 Coldall, Robert, 53
 Coller, Elizabeth, 146
 „ John, 146

Colley, Peter, 197
 " Roger, 197
 Collynges, Rauffe, 114
 " William, 114
Collyngs, William, 50
Colne, 31, 109
Colne, 131
Colne Chapel, 223
Colne Chapel, 34
Colne Church, 213, 231-233
Colne Church, 110
Colnemilne, 37
Colthirst, Gyles, 179
Colton, John, 24
Colveston, 79
Colwiche, Anthony, 229
Colwyn, Thomas, 71
Coly, Thomas, 13, 14
Colyer, George, 112
Colyng, William, 91, 92
Common Layne, 84
Conishead, 148, 149
Conishead [Connyshead], Monastery,
 100-103, 173
Conishead, Monastery of, 146-149
 " Prior of, 101-103, 174
Conyngesaby, Master, 238
Conyshead Field, 102
 " Thomas, Prior of, 21, 23
Coppull, 66
Corker, John, 22
Cornforthe, George, 102
Cottam, Henry, 200
Cottome, Marget, 201
Cowen, Christopher, 19
Cowell, Robert, 6, 7
Cowkys House, 172
Cowper, Isabell, 26, 27
 " Nicholas, 180, 217
 " William, 113, 114
Cowoppe, William, 230, 231
Cragfeld, 24
Craven, Thomas, 197-199
Croft, Richard, 45
Crofton, 91, 92
Crofton, Richard, 179, 180
Crok, John, 24
Crokay, Thomas, 17
 " Robert, 16, 17
Croke, Roger, 37
Crokey, John, 13
Crompton, Elys, 82, 83
Crompton, Hugh, 45
 " James, 91
Crompton, Oliver, 191
Crompton, Peter, 53
 " Roger, 82
 " Yenott, 82, 83
Crosby Town, 4

Croschaye, Richard, 152
 " Thomas, 152
Croschouse, 24
Crosley, Edmund, 167
Crosshall, 125-128
Croston, 141, 238, 239
 " Church, 49
Croston, Little Hole in, 49
Crycheley, William, 114
Crychelowe, Thomas, 245
Cuerdale [Kyrda], 115
Culcheth, 89, 97, 98
Curtes, Robert, 14

D

Daggar, John, 17
Dalby, Mr., 235
Dalton Castle, 204
Dalton Parsonage, 176
Dancastre, John, 31
Dande, Henry, 143
 " John, 143
 " William, 143
Darwynne, Peter, 248
Daunce, John, 151
Davy, Roland, 15
Dawne, Sir John, 86
Dawson, James, 44, 46
 " Thomas, 46
Dawtre, Thomas, 101
Dean Chapel, 197-199
Debdale, Hugh, 195
Decunson, William, 25
Deluys, 35
Denby, Myles, 37
Dene, William, 105
Derby, 65
Derby, Anne, Countess of, 92-95
 " Earl of, 65
Derby, Earl of, 189, 190
Derby, Edward, Earl of, 197
 " Thomas, Earl of, 77
Derby, Thomas, Earl of, 239
Dercy, Sir Arthur, 178
Dercy, Sir John, 178
Derwyn, Peter, 248
Devyas, Nicholas, 163
Diconson, William, 27
Dieulecresse, Abbot of, 15
Dokett, Richard, 21
Dorset, Marquis of, 101, 102
Downeholland, 242
Downham, 35, 37
Draper, Isabel, 162
Draper, William, 162
Drodathe (in Ireland), 119
Dryver, Thomas, 32

Duckesbure, Sir Hugh, 93
 Duckesbury, 67
 " Alexander, 65
 Duckesburye, 95
 Duckett, Roger, 24
Dudley, Richard, 240
 Dudley, Richard, 153, 154
Dugdale, John, 123, 124
 Dugdale, John, 171, 172
 Dukworth, Christopher, 167
 " Edmund, 167
 " George, 167
 " Henry, 167
 " John, 167
 " Laurence, 167
 " Rauff, 167
 " Richard, 167
 " Thomas, 167
 Duncalf, Thomas, 196
Dunkenhaugh [Dunkenhawgh]
 Ridge, 105, 106
 Dunkyn Hawghe, 107
 Durham, 17
 " St. Cuthbert of, 18
 Duxbury [Dukkesbury], 54, 56, 59
 Dyconson, Thomas, 159, 160
 Dykes, Thomas, 19
 Dyneleye, John de, 35

E

Eccles, 197-199
 Eccles, Thomas, 200
 Eccleston, 96, 160, 170, 185, 187-
 190, 244
Eccleston Church, 159
 Eccleston, John, 99
 " Robert, 14
 Edmondson 69
 Eggcaker [Eggegarth], 127, 128
 Elliot, John, 37
 " Roger, 38
 Ellynthropp, John, 32
 Elond, 129
 Elred, John, 46
Ely, Bishop of, 236
 Elynbroke Chapel, 199
Erdbury (at Leigh), 75
 Erdbury [Erdebury], Prior of, 78,
 79
 " Vicar of, 81
 Eatham, Christopher, 71
 Easton, Christopher, 190
 Eastwode, James, 37
Euxton [Ewxtton], 87-97, 113, 114
 Euxton [Evexton], 89
 " Chapel, 113
 Evynsworth, Gyles, 220, 221

Ewood, Richard de, 35
 Exeter, Bishop of, 232
 Extwysyll, Brathclyff [Briercliff],
 168
Eyton, Evan, 175
 Eytynfylde, Henry, 230

F

Fare, Thomas, 14
 Fareclyffe, John of, 243
 Fairecloghe, Alexander, 66
 Fairehurst, Robert, 67
 Fairthwayte Park, 237, 238
 Falshurst 115
 Farrington [Farington], Henry, 18,
 170
 " Sir Henry, 96, 183-185,
 203, 204
Farrington, Sir Henry, 153, 183-190
 Farrington, Perys, 185-189
Farrington Peter, 183
Farrington, William, 203
 Faryngton, 154
Faryngton, 183
Faryngton, Dorothy, 183
 Faryngton, Sir Henry, 55, 58, 61,
 93, 114, 144, 166
 " Henry, 58
Faryngton, Richard, 183-190
 Faryngton, William, 183-188
 Fayrclowgh, Alexander, 61-63
 Fayerclowe, Thomas, 227, 228
 Fayrcclough, Alexander, 226-228
 Fell, Bryan, 148
 " John, 148
Ferrers, Henry, 129
 Feylden, Christopher, 167
 " Gyles, 167
 " Henry, 167
 " Nicholas, 167
 " Randyll, 167
 " Richard, 167
 Fidler, Henry, 185
 " John, 185, 186, 188, 189
 Figge, John, 241
 Fitzherbert, Sir Anthony, 12, 41,
 43, 88, 218
 Fitzwilliam, Rt. Hon. Sir William,
 4, 7, 8, 9, 25, 28, 30, 31, 39, 42,
 43, 49, 69, 70, 72, 75, 104-108,
 115, 116, 119, 157, 162, 171, 242,
 247
Fleethwood, Edmund, 159, 160
 Flemyng, Hugh, 40, 147, 148
 " Sir William, 22, 23
 Fletcher, Oliver, 155, 156
 Fletwood, John, 203, 204

Foldes, Jeffrey, 32
 " Richard, 32
 Forde, John, 66
 " William, 64
 Forest, Laurence, 38
 Forester, Hugh, 53
 " John, 65
 Foxcroft, William, 129
Fox Denton, 180
 Foxdenton, 217
 Fox, Nicholas, 88
 Fraunce, John, 25
 " Richard, 25
 Freres, John, 23
 " The, 95
 Frekulton, 14
 Fresche, Nicholas, 24
Furness, 204
 Furness, Abbot of, 22
Furness, Alexander, Abbot of, 241
 Furness, Monastery of, 147, 148, 176
Furness, Roger, Abbot of, 74
Fylden, John, 213, 214
 Fyllypson, Fyllyppson, *see* Phyllyp-
 son

G

Gage, Right Worshipful Sir John,
 167, 169, 170, 172, 175, 176, 178,
 179, 188, 189, 191, 209-214, 216,
 216, 219, 220, 222-224
 Gagge, Sir John, 203
 Galey, Elizabeth, 162
 " Thomas, 162
 " William, 163
 Gardener, John, 89
 Garner, William, 28
 Garstan, Henry, 58, 95
 Garsten, James, 166
 Gartside, Hugh, 89
Gartsyd, Hugh, 240
 Gayge, Right Hon. Sir John, 193-
 195, 197, 200, 201
 Gee, Henry, 136
 Gellybraunde, John, 94
 Gellybrond, John, 68
 " Richard, 128, 243
 Gerard, Miles, 26
 " Peter, 27
 " Piers, 99
 " Richard, 206
 " Thomas, 27, 65
 Gerrard, Grace, 124
Gerrard, Lionel, 124
Gerrard, Peter, 42
Gerrard, Thomas, 25, 26
Gerrard, William, 210
 Gerrerd, Elizabeth, 234
 Gerrerd, Humphrey, 233
 " Margery, 234
 " Miles, 25
 " Peter, 25
Gerrerd, Thomas, 233
 Gerrerd, Sir Thomas, 233, 234
 Gersaie, Francesse, 151
 Gervas, James, 228, 229
Gidlow, Anne, 25, 26
 Gidlow, Agnes, 27
 " Cecill, 26, 27
Gidlow, Ralph, 25-27
 Gilhouse, 24
 Gilis, Richard, 113
 Glover, Randolfe, 48
 Godson, Sir Roger, 102
 Gonolfes Mores, 59
 Gorshed . . . 115
 Gorsych, Thomas, 128
 Gorton, Sir James, 97
Gorsythe, Thomas, 243, 244
Corvey, James, 194
Corvey, Jane, 194
 Gralleyhurst, 94
 Grawlehurst, 88
 Grays Inn, 110
Great Marsden, 31
 Great Knolles, 156
Greenought, Thomas, 152, 153
 Gregory, Richard, 44
 " Robart, 53
 Gregson, Rauf, 185, 186, 188, 189
 Gregsonne, Edward, 200
Grene, Anthony, 8, 9
 Grene, George, 45
 " Henry, 66
 " James, 232
 " John, 45, 49
 " Richard, 25
 " Thomas, 53, 116
 Greneacres, Richard, 152, 171
 " Richard de, 35
 Grenefeld, Manor of, 133
 Grenehalgh, Anne, 136
 " John, 141, 179
 " Thomas, 136
 Grenehaugh, Thomas, 153
 Grenewalssyche, 219
Grenewood, John, 129
 Grenought, John, 153
Grerehalgh, John, 108
 Greves, John, 101
 Grizlehurst, 143
 Gruffyth, Alice, 116
 " David ap, 116
 " Robert, 116
Gruffyth, William, 116, 117
 Grumpe, William, 144
 Gryffyn, Edmund, 14

Gryge, William, 72, 73
Grymesdyche, Thomas, 77, 81
Gwent, Dr., 248
Gyls, Richard, 143

H

Hacoke, Simon, 168
Haghe, 42
" Oliver, 42
Hale, Richard, 247
Halgh, 220
Halgh, George, 220
Haliwall [Halywall], Richard, 116
" William, 118, 119
Hall, Ellys, 155, 156
" John, 14
Hallsa, 242
Halsall, 138, 139
Halsall, Edmund, 197
" Sir Henry, 239
Halsall, James, 179, 180
Halsall, James, 243
Halsall, Richard, 242
Halsall, Thomas, 77, 114
" Sir Thomas, 101
Halsted, William de, 35
Halton, John, 46
Hamme Croft Bank, 156
Hampton Court, 110
Hampton, Rt. Hon. William, Earl
of, 120, 121, 125, 133, 136, 153,
243
Hamson [Hameson], Henry, 45
" James, 46
" John, 44-46
" Matthewe, 45, 47
" Rauff, 45, 46
" Richard, 44, 45
Hamton, Rt. Hon. William, Earl
of, 156
Hankeyshede, William, 91-93, 99
Hankyshede, Oliver, 88, 93, 99
Hanson, John, 32
" Thomas, 37
Hanskoo, William, 25
Hapton, 35
Hapton, 181, 182, 241
Hapton, Manors of, 168
" Richard, 66
Hardson, John, 6, 7
Hargreffez, Rolland, 32
Hargrevez, John, 38
" Robert, 38
[See Hergreffez]
Harparhowse, 22
Harrock Hill, 80
Harrygton, Sir James, 202

Harrygton, Thomas, 247
Harryson [Haryson], John, 208
" Richard, 13, 14
Hart, James, 157, 158
Hart Richard, 157, 158
Hartley, Agnes, 72
" Lawrence, 34
Harvey, Sir Henry, 150
Harwich, 219, 220
Harwood, 82
Haskyth, Bartholomew, 128
Haslyngden Chapel, 35
Haspoll, Henry, 53
Hassall, Thomas, 42
Hasselam, Alexander, 8
Hastelaye, Adam, 53
" Richard, 53
Hather . . . 114, 115
Hatton, John, 45
" Richard, 44-46
Haughton [Hawghton], 26
" Edward, 26, 208
" Gilbert, 26
" John, 171
" Rauff, 25-27, 208
" William, 26, 104
[See Hoghton]
Haw, Katherine, 193
Haw, Richard, 193
Haward, James, 133, 134
Hawarden, John, 194
Hawarden, John, 228, 229
" Richard, 228
" Robert, 228
" Thomas, 194
Hawkerd, John, 83
Hawkeahed, Agnes, 89
Haworth, Alice, 230
" Ector, 126
Haworth, James, 230, 231
Haworthe, Adam, 109
" Nicholas, 164, 165
" Richard, 231
Hawye, Robert, 127, 128
Haydocke [Haidok], Sir Gilbert, 36
" Oliver, 35
" Richard, 196, 197
" Symond, 169
Hayward, Hector, 26, 27
Hayward, John, 133
Healey, 98
Heapey [Heypay], 95
Heath, Charnock, 60-68
Heaton, Lambert, 65
" Richard, 65
Heeton, Robert, 70
Hegham, Thomas, 27
Heghtbuttes, 83, 85
Helay, 87-100

- Helme, James, 211
 Henreson, Master Vice Chancellor,
 91
 Hepey, 91
 Hergreffez, James, 32
Hergreffez, John, 32
 [See Hargreffez]
 Hergresse, Robert, 34
 Herteley, Christopher, 32
 " John, 32, 33
 " Nicholas, 37
 Hert, William, 26, 27
 Hertley, Christopher, 32
 " George 214
 " Henry, 32
 " James, 32, 167, 214
 " John, 36, 38
 " Laurence, 38
 " Peter, 32
 " Roger, 32, 33, 38
 Hervys, Richard, 89
 Heryson, Hugh, 116
 " James, 53
Hesken, 170
Hesketh, 142-146
 Hesketh, Bartholomew, 15, 91
 " Ric., 239
 " Robert, 14, 91
 " Sir Robert, 141
 " Thomas, 92, 93
 Heskyn, 183, 185, 187-189
Heste, 235, 236
 Hester, 193
 Heton, Sir Gilbert, 78
 Heydon, Mr., 79, 82
 Heye, John, 152
 " Peter, 151, 152
 " Ranff, 152
 " Richard, 151, 152
 " Robert, 152
Heyton, Bryan, 219, 220
Heyton, Richard, 219, 220
 Heyton, William, 130, 131, 220
 Heyward, Rauff, 134, 135
 Heywood [Aywood], 240
 Higgson, George, 45
 High, Christopher, 182
 High Field, 118
 Higham, Thomas, 26
Highmell Manor, 109, 110
 Higkyn, Laurence, 33
 Higson, Georgius, 45
 Hilton, Alexander, 62
 " [Hylton], George, 60, 62, 63,
 67, 68
 " " Nicholas, 66, 62,
 63, 67, 68
 " Richard, 44
 " Thomas, 44
- [See Hylton]
 Hirdman, John, 237, 238
 Hirst, William, 38
 Hobkyn, Edward, 85
Hodersall, Robert, 160, 161
 Hodgehouse, 38
 Hodson, Hugh, 114
 " Hugh, jun., 114
 " Thomas, 114
 " William, 114, 245
 Hogeson, Richard, 22
 " William, 91
 Hoggeson, Robert, 15
 Hoghton, George, 33, 36, 38
 " Henry, 37
 " Richard, 18, 95
 " Sir Richard, 58, 95, 203,
 204
 [See Haughton and Houghton]
 Hoghwike, 185
Holand, Margery, 242
 Holcroft, 80
 Holcrofte, John, 77, 80
Holcrofte, 191, 192
Holden, Elen, 150
Holden, Nicholas, 150
 Holden, Nicholas de, 35
 " Thomas, 245
 Hole, William, 15
 Holgate, Rauff, 38
 " William, 34, 38
 Holkarr, Nicholas, 167
 Holme, Jeffrey, 177
 Holmes, Ralph, 236
 Holand, Thomas, 177
 Holl, The, 24
 Holland, John, 215
 " Katherine, 196
 " Nicolas, 215
 " Otes, 216
 " Rauffe, 242
 " Richard, 196
 " William, 112
 Holt, James, 109
 " Master, 152
 " Robert, 143, 169, 177-179, 239
 " Thomas, 141, 143, 151, 152,
 169, 192
 Holtes, John del, 35
 Holton, Brook, 219
 Home, John, 53, 104
 Hope, Robert, 141
 Hopkin, Edward, 83-85
Hopkyn, Edward, 216-218
 Hopkyn, Elizabeth, 217
 " James, 217
 " Margaret, 84
 Hoppay, John, 37
 " Peres, 37

Hopwod, Henry, 86
 „ James, 86
 „ John, 85
Hornby, 129
 Horwich, 88, 91, 94
 Hospital, S. John Baptist, 116, 117
 Houghton, Ellen, 133
 „ George, 131-133, 214
 „ Joan, 132, 133
 „ John, 172
 „ Robert, 7
 [See Haughton and Hoghton]
 Houseman, John, 241
 Housman, Thomas, 241
Howcroft, John, 189, 190
 Howick [Hoghwyk], 203, 204
 Howyke, Robert, 143
 „ Thomas, 142, 143
 Hoyesone, William, 4
 Huddelston, John, 19
Huddulston, Sir John, 173-175
 Hudespith, Rouland, 11
 Hughson, Robert, 13
 Hugons, Peter, 122
 Hull, John, 15
 „ Richard, 15
 Hulme, 133-135
 „ Edmond, 179
 „ Henry, 179
Hulme, Ralph, 232
 Hulton, Adam, 42
 „ Ellen, 67, 215
 „ George, 123
 „ Hugh, 122
 „ James, 215, 216
Hulton, Randall, 122, 123
 Hulton, Richard, 123
 „ Robert, 67
Hulton, William, 108
Hume, Ralph, 236
 Hunt, Margaret, 29
 „ Richard, 29, 232
 Hurcherwode, Henry, 82
 Hurleton, Humfrey, 125-127
 Hurst, Elan, 27
 „ William, 33
 Hursteds, 24
Huxley, Hugh, 125-128
 Huxley, Hugh, 243
Huxley, Richard, 243
 Hyggenson, Thomas, 215
 Hygyn, Laurence, 34, 38
 Hyll, Robert, 58
 Hylton, Adam, 26
 „ George, 95
 „ John, 45
 „ Richard, 46
 „ Thomas, 45, 46
 [See Hilton]

Hynde, Sir John, 223
 Hyndell, James, 167
 Hyndley [Hyndeley], Adam, 66
 „ Charles, 45
 „ Johes, 44, 46, 76
 „ John, 31, 207
 „ Nicholas, 43, 46, 47
 „ Robert, 25, 44
 „ Roger, 25, 27
 „ Symon, 45
 Hyndyll, Antony, 167
 „ Charles, 167
 „ George, 167
 „ Otwell, 167
 „ Ranold, 167
 „ Ric., 167
 „ Robert, 167
 Hype, Richard, 151
 Hyrstwood, 168

I

Igson, George, 47, 48
 Ince, 25, 26, 65
Ince, 211, 212
Ince, Arthur, 211, 212
 Ince, Thomas, 212
 Inceblundell, 4
 Ingham, Raygnold, 152
 Insse, Arthur, 23
 „ Oliver, 25
 „ Roger, 25
 „ Thomas, 25
 „ William, 25
 Ireby [Yreby], 238
 Ireland, John, 79
 „ Lawrence, 115, 143, 144
 „ Piers, 76
 „ Thomas, 142
Irwell, River, 214-216

J

Jackson, Henry, 241
 „ Sir John, 62
 Jacson, John, 38
 James, John, 174
 Jamesson, William, 27
 Janney, Edward, 136
 Jerrard, Robert, 120, 121
 Johns, Robert, 117
 Johnson, Henry, 209
 „ James, 128
Johnson, James, 243
Johnson, Nicholson, 4, 5
 Johnson, Richard, 143
 „ Robert, 14
 Joxson, Christopher, 34

K

Kebell, Rev. Edward, 137, 138
Keble, Edward, 121
Keble, Sir Edward, 120
 Keble, Henry, 122
 Kellet, Olyver, 71
 " Richard, 70
 " Roger, 69, 70
 " Thomas, 69, 70
 " William, 70
 Kelsha, William, 91
 Kemp, Oliver, 28
 Kendall, John, 23, 24
 Kendisley, Thomas, 195
Kent's Bank, 69
 Kenyan, Agnes, 99
 " Ellen, 87-90, 99
 " George, 104
 " Hugh, 89
 " Makyn, 87, 99, 100
 " Matthew, 97
 " William, 97, 99
 Kenyon, 77, 89, 97, 98
 Kerr Medowe, 217, 218
 Kerryson, Robert, 116
 Key, Richard, 14
 Kirby, Ireleth, 19
 " Sir Thomas, 154
Kirkdale, 113, 115
 Knalle, Thomas, 71
 Knoll, Rauffe, 114
 Knollez, William, 247
 Knott, Henry, 123
 Knype, Antony, 3
Knype, William, 2, 3
 Kylmer, Thomas, 116
Kyntemount, 173, 174
 Kypas, John, 38
 " . . . wife of Miles, 33
 " Richard, 37
 Kyrkby, Richard, 148
Kyrkby, Thomas, 179
 Kyrkbye, Anne, 23, 24
Kyrkbye, Thomas, 248
 Kyrkeby, 19, 247
Kyrkeby, Henry, 19-25
 Kyrkeby, Parish Church of, 20
Kyrkeby, Richard, 19-25
 Kyrkeby, Richard, 147
Kyrkeby, William, 19

L

Labara, Isabel, 152
 Labarra, Robert, 153
 Laborer, Robert, 163
Labrey, Isabel, 136

Labrey, Robert, 136
 Laburn, Sir James, 40
 Lagher, Wyresdall, 28
Lambart, John, 105
 Lambe 58
 Lambert, John, 30
 Lamplugh, John, 148
Lamplugh, John, 176
 Lamplugh, Sir John, 147, 149
 Lancaster, 95, 96
Lancaster Castle, 247
 Lancaster, Geffroye, 19
 " John, 79
Lancaster, Peter, 244
Lancaster, Ralph, 244
 Lancaster, Robert, 183, 184, 187-190
 " William, 19, 23, 25, 102
 Lancastre, Richard, 244
 Lang Leys, 250
Langford, Margaret, 28
 Langford, Thomas, 28, 29
 Langley, Edmund, 217, 218
 " Sir Rauf, 250
 " Robert, 217, 218
Langley, Robert, 214, 215
 Langton, Giles, 238, 239
 " Peter, 42
 " Robert, 77
 " Sir Thomas, 158, 185, 187,
 190
Langton, Sir Thomas, 110, 111, 210
 Langtre, 66
 " John, 26
 Lasell, Alexander, 65
 " Thomas, 65
 Lasy, Henry de, 171
Latas, Richard, 173, 174
 Latewyse, Raf, 19
Latham, 195-197
 Lathom, 65
 " William, 13
 Laton, 13, 14, 16, 17
Laton, Much, 9-11
 Law, James, 26
 " Nicholas, 26
 " William, 25
 Lawe, John, 53
 Lawrence, John, 240, 241
 Lawrens, Lancelot, 21
 Lawthewet, Edmund, 53
 Layburn, James, 19
 " Nicholas, 19
 Laylond, Sir William, 153, 248
 Laythum, 154
 Laythwayt, Humfrey, 25
 Layton, Agnes, 160
Layton, Anthony, 159, 160
 Layton, Anthony, 203, 204
 Leche, Edmond, 43, 46, 47

- Leche, Richard, 112
 Lee, Alice, 36
 " Gilbert, 36
 " Henry, 38
 " Laurence, 33, 38
 " Nicholas, 36
 " William, 42
 " William a, 19
 Legh [Leigh, Leghe], 77, 78, 80-82,
 144
 " Charles, 26
 " Gilbert de, 35
 " Gowther, 81
 " James, 37
 " John de, 35
 " Nicholas, 37, 38
 " Parish Church, 43, 46-48, 75,
 225
 " Parsonage, 77, 79, 80, 81
 " Sir Peris, 239
 " Robert, 67
 " Vicar of, 81
 Leghey, Richard, 86
 Leicester, College of, 6
 Leigh, 75
 Leighes, William, 87
 Leeghez, William, 85
 Lethom, John, 15
 Lethurboro, John, 144
 Lever, Giles, 113
 Leyland, 113, 114, 138, 183-185,
 188, 190
 Leyland Church, 96, 143
 Leyland Hundred, 226
 Leyland, Sir William, 43, 142
 Leylandshire [*Leylond schere*], 226
 Leylonde, James, 44
 " Robert, 95
 Leylonde, Thomas, 200-203
 Leylonde, William, 18, 99
 " Sir William, 15, 47, 48, 61
 Leylonde, Sir William, 222, 223
 Lieche, Richard, 42
 Lister, William, 36, 38
 Litherbaro, Henry, 144
 Litherlande, 124
 Littill Marled Heth, 83, 85
 Little Carlton, 17
 Liverpool, 30, 50, 196
 Liverpool [Lyverpole], 119
 Lokker, John, 26
 Lomeshagh, 38
 London, 120
 Longford, Elizabeth, 29
 Longley, Edmond, 83
 " Robert, 83
 " William, 168, 169
 Longley, William, 167-169
 Longr, John, 52
 Longton, 185
 " Ellen, 81
 " James, 81
 " John, 81
 " Margery, 79
 " Piers, 79
 Longton, Sir Thomas, 108
 Longtre, James, 118, 119
 Longtre, James, 118, 119
 " John, 118, 119
 " Roger, 118
 Longtree, John, 64
 Longworth, 8
 " George, 91
 " Hugh, 8, 9
 " Peter, 8
 Longworth, Thomas, 8, 9
 Lonsdale, 65
 Lonsdale Benefice and Parsonage,
 235
 Lord, Thomas, 103
 Lostock [Lostok, Lostocke], 95, 235
 Lostock, 91, 219
 Lovell, Lord, 97
 Low, Oliver, 134
 Lowde, Edward, 123
 Lowe, James, 234
 Loyne Water, 241
 Lummas, Elys, 177
 Lumme, 109
 Lye, Henry, 34
 Lygh, Gowther, 77
 Lyghterness, Thomas, 45
 Lykenars, William, 245
 Lylling, Robert, 43-45, 48
 " William, 44, 45
 Lyndley, William, 48
 Lynley, William, 44
 Lyster, Christopher, 169
 Lytham, 14, 17, 19
 " Church of, 16
 " Edmund, Prior of, 11
 " Monastery, 9
 " Prior of, 13, 17, 18
 " Priory of, 16, 17
 " Rauff, Prior of, 11
 Lythom, Robert, 15
 Lyvesay, Nicholas, 164-167
 " Thomas, 167
 Lyvesey, Henry, 245, 246
 Lyvesey, Percival, 245

M.

 Madder, Thomas, 104
 Mader, Randolph, 46, 80, 81, 104
 Mador, Humphrey, 26
 Madox, Robert, 126

- Maghall, 247
 Makerfield, Asheton in, 57
 Malbona, Sir Hamlet, 199
 Manar, Thomas, 166
 Manchester, 64, 156, 209, 236
Manchester, 28, 112, 136, 152, 153, 162, 221, 240
 Manchester College, 232, 233
Manchester Free School, 232
 Manchester Grammar School, 233
Manchester, The Garret in, 155
Manchester Parish Church, 82
 Manchester Parish Church, 112
 Maners, Thomas, 164
 Mankenholez, Henry, 38
 Marcroft, Brian, 248
 Marghelande, Oliver, 25, 42
 Marghelaunde, Oliver, 66
 Markethsted, 162
Marlederth in Aynsworth, 176, 177
 Marney, Rt. Worshipful Sir Henry, 239, 240, 244, 245
 Marsden, 34-39
 " Great, 33
 Mason, Richard, 17
 " Robert, 17, 18
 " Thomas, 26
 Massy, Thomas, 198, 199
 Mastron, Nicholas, 223
 Mathe, Humphrey, 25
 Mather, Rayffe, 53
 Matthew, Thomas, 243
 Maukynpoles, James, 38
 Mawdisley [Mawdysey], William, 89, 91
Mawdesley, 172
Mawdsley, Thomas, 172
 Mayre, James, 49
 Maysom, Thomas, 26
 Meddehurste, 229
 Meller, John, 180
 Mellyng, 237, 238
 Mercer, John, 117
 " Robert, 13, 14
 Merley, James, 114
 " John, 114, 185
 " Nicholas, 114
 Merney, Rt. Hon. Sir Henry, 236, 237
 Merson, John, 116
 Merton, 16, 126
 " Much, 14
 Middleton, 85
Middleton, 139, 176, 250
 Mikilherst, 36
 Milner, Robert, 189
 Mitchell, James, 38
 Mitton, 168, 169
 " Miles, 38
 Moche Carleton, 15
 Mody, Christopher, 245
 " John, 114
Mody, John, 244
Mody, Ralph, 232
Mody, Sir Thursten, 244, 245
 Modye, Richard, 159, 160
 Mokock, Ric., 167
 Molleynewx, Edward, 223
 Molyneux, Agnes, 249
 " Edmond, 42
 " Edward, 15, 34, 248
Molyneux, Sir Edward, 247, 248
 Molyneux, Elizabeth, 207
 " Richard, 42, 225
Molyneux, Richard, 113, 115
 Molyneux, Roger, 206-208
Molyneux, Thomas, 206, 249
 Molyneux, Sir William, 92, 113, 115, 194, 235
Molyneux, Sir William, 153, 233
 Mone, Rt. Worshipful Sir Thomas, 241
 Monte Tumber, 5
 Monteagle, Lord Thomas, 100
 Morcroft, Brian, 249
 More, Richard, 30
 " Thomas, 175
 " Sir Thomas, 5, 226, 230
 Morecroft, Richard, 244
 Morres, David, 95
 " John, 66
 Mosse Crofte, 217
 " The, 116
Mosse Graunges, 116
Moston, 112
 Mosoke, Thomas, 154
 Mount, Jenkyn, 102
 " John, 148
 Mountegle, Lord, 235
 Moyle, Thomas, 151
 Much Merton, 17
 Mychell, James, 32
 " Nicholas, 32
 " Richard, 32
 " William, 32
 Myddelhurste, Hugh, 228
 Mylner, Roger, 116

 N.
Naylor, Thomas, 249
 Neissam, John, 14
 Nelde, Annes, 215
 Nelson, George, 173
 Nevell, Master, 22
 Nevell, Sir Robert, 182
 Never, Sir James, 91

Nevill, Sir John, 100, 103
Nevill, Sir, Robert, 100, 103
Newbye, James, 115
Newhall, 216
Newport, Shropshire, 71
Newton, 113, 136
Newton, John, 83, 86, 87
 „ *Oliver*, 191
Neysam, John, 15
Nicholson, William, 24
Noblet, Edmund, 13
 „ *George*, 13
Norcrosse, William, 15
Norres, George, 143
Norres, Richard, 247
Norres, Sir William, 116-118
Norris, Henry, 116
 „ *Robert*, 116
 „ *Sir William*, 116
Norrez, William, 192
Northbrigg, 15
Northfolk, Duke of, 187
North Meols, 179, 180
Nottawe, John, 152
 „ *Roger*, 152
Nottowe, Charles, 231
Nowell, Christopher, 37
 „ *James*, 171
Nowell, John, 171
Nuthurste, 112
Nutter, John, 32
 „ *William*, 38

O.

Oakenhead Wood, 151
Ogden, Arthur, 180
Oldem, John, 166
Oldham, 83, 84, 216, 217
Oldham, 86
Oldom, Laur., 166
 „ *Robert*, 214
 „ *William*, 166
Oldome, Rev. Hugh, 232
Olgreve, Ralph, 221
Ollingfare, 191
Ordesall, 224
Orgenall, Roger, 60
Ormskirk, 42, 124, 125
Ormskirk, 91, 92, 126, 128
Ormskirk Church, 243
Ormskirk Parsonage, 125, 243
Ormyshaw, Richard, 25
Orrell, William, 78, 81
Osbaldeston [Osbaldeston], *Alex.*, 18
 „ *Sir Alex.*, 35, 39, 91
Osclyffe, James, 39, 41
Osclyffe, Rowland, 39-41

Oscwalton, 188
Osmotherley [Osmotherlowe], 101
Oswaltdwistle, 165
Over Alleeport, 232
Overkellatt, 236

P.

Padiham, 35
Par [see Parre], *Hary*, 196
 „ *Hugh*, 197
 „ *John*, 197
 „ *Nicholas*, 196, 197
 „ *Robert*, 196, 197
Pardon, John, 235
Parkar, William, 78
Parkare Richard, 166
Parke, Robert, 49
Parker, Giles, 171
 „ *John le*, 35
 „ *John*, 81
 „ *Lawrence*, 32, 37
Parker, Sir Ralph, 71, 72
Parker, Sir Rawf, 200
 „ *Richard*, 164
Parker, Robert, 235
Parker, Roger, 28
Parker, Thomas, 71
Parker, William, 81
Parkensonne, Thomas, 200
Parkynson, William, 23
Parr, 195-197
Parre, Brian, 195, 196
Parre, Grace, 195, 196
Parre, James, 196
 „ *John*, 195, 196
 „ *Nicholas*, 196
 „ *Robert*, 196
Parys, Robert, 36
Paslew, John, 251
Pasley, John, 132
Paygget, Agnes, 193
 „ *Richard*, 193
Paynter, Robert, 45
 „ *William*, 55
Pedley, Edward, 223
Pemberton, 206
Pemberton, 249
Pembury, William, 51, 52
Penbury, Roger, 51-53
Pendilton, James, 116
Pendleton [Pendulton], 214, 215
Pendlybury, Bartram, 45
Pendulton, Thomas, 214
Pendylburye, Adam, 42
Penhull Chace, 1
Penhulton, 35
Penketh, 30

Penketh, Richard, 43, 46, 47
 Penkethe, Thomas, 229
 Penmerton, James, 189
 Pennington in Furness, 101
 Pennynghton, Lady, 22
Penwortham, 113, 115, 189, 203, 204
Penwortham, 143, 144
Penwortham Manor, 200
Penwortham Moss, 184-186, 188
 Penynton, Mr. 101
 Pereson, Robert, 101
 „ Thomas, 102
 Peryn, James, 133-135
 „ John, 134
 Petye, Edward, 101
 Peyke, Edmund, 134
 Phylpson, Richard, 143
 „ William, 142-144
 Pierson, James, 17
 „ Piers, 17
Pile of Foudry, 50
 Platt, Henry, 45
 „ James, 45
 „ John, 45
 „ Nicholas, 45
 „ William, 45
 Platte, Piers, 79
 „ Wyllyam, 33
 Plesyngton, Roger, 58
 „ William, 88, 94
 Plompton Mosse, 101
 Plomptre, Sir William, 12
 Plumtre, Sir William, 192
 Pollard, George, 182
 „ Richard, 157
 „ William, 89, 93
 Pomfret, James, 45, 46
 „ Rauff, 45, 46
 „ William, 45
 Pomfrete, Thomas, 43, 44, 46, 47
 Pontalghe [Pontawghe], 106
 Port, Sir John, 88, 98
 Postelwayte, 175
 Poulton, 15
 Poumfrete, Rauff, 43
 Prescott, Thomas, 124, 125
Prescott, 138, 139
 Prescott, Robert, 189, 190
Preston, 5, 161
 Preston, John, 205
 „ Richard, Prior of Cartmell,
 21, 23
Preston Richard, 69, 70
Prestwich, 167-169
 Prestwich, 250
 „ Alexander, 134
 „ Edmund, 155
 „ Rauff, 86, 87, 217, 218
Proctor, Henry, 70, 71

Proctor, Lawrens, 89
 Pycote, Adam, 152
 Pykcopp, Thomas, 167
Pylkyngton, Adam, 28
 Pylkyngton, Edmond, 29
 „ Nicholas, 23, 29
 „ Richard, 28, 29
 „ Thomas, 29
 Pyncok, Sir John, 113, 114
 „ Thurstan, 114
 „ William, 114
 Pynkoke, William, 91
 Pynkot, William, 92

Q

Qualley, Thomas, 26
Quermore Park, 28

R

Radclif, Agnes, 250
 „ Edmund, 225
 „ Edward, 179
 „ Elizabeth, 250
 „ Ewan, 250
Radclif, Isabel, 250
 Radclif, Jamys, 250
 „ John, 225
 „ Margaret, 250
 „ Richard, 250
Radclif, Roger, 250
 Radcliff, Sir Alexander, 141
Radcliff, Sir Alexander, 224-226
 Radcliff, Anne, 168
 „ Rauffe, 215
 „ Richard, 225
 „ William, 169
 „ Sir William, 225
 Radcliffe, Thomas, 181
 „ William, 225
 Radclyf, Alice, 179
 Radclyff, Alexander, 89
Radclyff, Sir Alexander, 50, 136
Radclyff, Thomas, 216-218
Radforth, Ralph, 212, 213
 Raisthwaite, 24
 Ramsay, Henry, 193
 Randles Carr, 17
 Ranshaw, Clemence, 134, 135
 „ John, 135
 „ William, 133-135
Ratclyff, William, 167, 168
 Ratclyffe, Sir Alexander, 191, 192
 Ratlyff, Mr., 97
 „ Ralph, 191
Rauston, Adam, 108, 109

Raustorne, Laurence, 151, 152
Ravynsnynder, 39-41
 Rawcliff, 14
Rawclyffe Wood, 151
 Rawclyff, 74
 Rawlynson, William, 147
 Rawneslaye, Isabel, 85, 86
 Raynshaye, William, 119
 Read, 35
 Reade, William, 36
 Reading, Hugh, Abbot of, 153
 Redeforth, William, 42, 63
 Redehalg, James, 33
 Redehaughe, John, 33
 Redyawyghe, John, 35
 Redyche, John, 28
 " Robert, 208
 Redyhalgh, James, 38
 " John, 38
 Redysought, John, 38
 Remor, Richard, 115
 Renmayn, John, 241
 Reynaer, John, 48
 Reynecars, Nicholas, 229
 Reynshaw, John, 134
Ribchester Church, 160
 Richardson, Isabel, 221
 " John, 22, 247
 " Richard, 22, 23, 221
 Richmond, Archdeacon of, 235
 Ridehalgh, Adam, 37
 Ridinge, John, 185
Ridley Wood, 219, 220
 Rieleye [see Ryeley]
 Rigbie, Alexander, 208
Rigby, Adam, 118, 119
 Rigby, John, 227, 228
 " Nicholas, 80
 " Robert, 82
 Riley, Thomas, 37
Ripon, 124
 Rishton, Roger, 167
 Rishworth, John, 32, 35
 Rivington, 60, 68
 Robert, George, 38
 Robertson, James, 220, 221
 Robinson, Thomas, 14
 Robotham, Joan, 86
 " John, 86
 Robt, Richard, 167
Roby, James, 129-131
 Roby, Lawrence, 175
 " William, 130
Robynson, Edward, 115
 Robynson, James, 38
 " John, 32, 34
 " Laurence, 114
 " Nicholas, 32
 Rochdale, Vicar of, 36

Rochdall, 240
Romesgreve, 251
 Rommysboth, Nicholas, 231
 " Oliver, 231
 Rossall, John, 15, 17
Rossendale Forest, 1, 230
 Rothewell, John, 231
Rothwell, William, 197
 Rowall, John, 15
 Rowlynson, William, 103
 Roxton, William, 113
 Ruby, 14
 Runcome, William, 185
 Russell, Robert, 13
 " Thomas, 13
Rusheton, Henry, 105
Rusheton, Nicholas, 106
Rusheton, Roger, 105-107
 Rutter, Richard, 195
 Ryleton, 91
 Rychardson, Roger, 51-53
 Ryecrofte, Thomas, 53
 Rydehalgh, Geffray, 37
 Rydehaulgh, John, 31, 32
 Rydeough, James, 132
 Ryder, Rauff, 134
 " William, 134
 Rydyowgh, John, 34
 Ryeley, George, 167
 " Henry, 167
 " Robert, 167
 Ryeson, Alexander, 148
 Rygbe, Oliver, 53
 Rygby, John, 45
Rygbye, Adam, 226-228
 Rygbye, Katherine, 227, 228
 Rygmayden, John, 91
 Rynnyngton, James, 114
 " Laurence, 114
Ryshton, Roger, 164

S.

Saghar, Thomas, 36, 38
 " William, 38
 Saint Anthony Chappel, 40
St. Asaph, Henry, Bishop of, 54-60
St. Mighella in Cartmel Manor, 72
St. Oswald's, Monastery of, 236-237
 Sales, William, 45, 47, 48
 Salesbury, James, 200
 Salford, 161, 162
Salford, Messuages in, 28
 Salthowse, Henry, 13, 14
 Samelsbury [Samerlsbury], 251
 Sampford, 120
 Sandcokes, Robert, 114
 Sanders, Edward, 202

- Sandes, William, 204, 205
Sankey, 201
Sankey, Thomas, 201
 Sawraa, John, 147
 Sawray, John, 148
 Sayghar, William, 33
 Scaresbrecke in Ormskirk, 127
 Scarsbryke, James, 42
 Schagh, Richard del, 35
 Schuteliaworthe, John de, 35
 Sclater, Nicholas, 64
 Scolcroft, Richard, 209
Scolcrofte, Adam, 209
 Scolles Bank, 89
 Scolys, Thomas, 180
 Scottish Field, 21
 Seddowne, James, 26
 „ Richard, 26
 Sefton, 115, 194
Sefton, 247, 248
 Sefton Church, 196
Sefton, Parson of, 248
 Sergeant, Richard, 89
 Shagh, James, 67
Shakerley, Christopher, 25
 Shakerley, Geffray, 198, 199
 „ Piers, 81
 Shakkerlokke, Richard, 112
 Shakloke, Christopher, 22
 Shaklyden, Thomas, 32
 Shakylden, James, 32
 „ Richard, 32
 Sharke, Christopher, 167
 Sharnoke, Wm., 184, 186, 187, 188
Shaw, Henry, 109
 Shaw, James, 95
 „ Margaret, 109
 „ Randle, 207
 „ Richard, 25
 „ Robert, 26
 Sharpplus, William, 164
 Sharpuls, James, 167
 Shawe, Hamnet, 120, 121, 137, 138
 „ Robert, 225
 Shaye, Laurence, 151
Shereborne (Shereborne), Richard, 171
 Sherbern, Richard, 178
 Shernok, John, 114
Shernok, Sir Thomas, 180, 181
 Sheroke, Oliver, 113, 114
 „ Richard, 114
 „ Sir Thomas, 113, 114
 Shireborne, Thomas, 15
 Shoghsmyth, Laurence, 44
 Shuttleworth, Raff, 168
 Shuxsmith, Edward, 85
 „ John, 86
 Singleton, Robert, 200
 Skaresbreke, 221
Skaresbreke, James, 221
 Skelicome, John, 15
 Skelton, John, 19
 „ Thomas a, 19
 Skerton, "Tenants of, 241
 Skott, William, 25
 Skypwyth, Edward, 120, 121
Slater, George, 72, 73
 Slater, James, 72, 73
 „ Thomas, 73
 „ William, 72, 73
 Smalley, Robert, 166
 Smith, Henry, 44, 45, 142
 „ Laurence, 250
Smith, Richard, 248
 Smith, Sir Richard, 248
Smith, Robert, 138-140
 Smith, Sir Robert, 144
 „ Thomas, 44
 Smithills [Smythilles], 97
 Smyth, Charles, 45
 „ James, 45, 46
 „ John, 31, 44, 45
 „ Nicholas, 44
 „ Rauff, 45, 46
 „ Richard, 45
 „ Robert, 45, 46
 „ Roger, 32
 „ Thomas, 37, 46
 „ William, 38, 45
 Smythe, John, 43, 47, 48
Smythe, Ralph, 31
Smythe, Sir Richard, 153, 154
 Smythe, Thomas, 220, 221
Smytheman, Peter, 201
 Snede, Richard, 239
 Somaster, Nicholas, 217
 Sommer, Humffrey, 244
 Somerset, 121
 Somester, Nicholas, 84, 85
 Sotheworthe, Ewan, 245
 „ Richard, 245
Sothworth, Gilbert, 245, 246
 Soundyforth, John, 112
 „ Richard, 112
 Southampton, Rt. Hon. Earl of,
 146, 161, 162, 248
 „ Rt. Hon. William,
 Earl of, 87, 100, 122-124, 129,
 137, 155, 159
 Southerne, Thomas, 71
 Southorne, John, 45
 Southworth, Jenet, 236
 „ Joan, 236
Southworth, Johan, 235
 Southworth, Richard, 236
 „ Thomas, 246
 „ Sir Thomas, 7, 25, 39,
 55, 59

Southworth, Sir Thomas, 251, 252
Southworth, Thurstan, 206
Spakeman, Nicholas, 53
Spore, Giles, 37
Stalmine Grange, Turbary at, 74
Standen, [Stondon], 179
Standen, Hugh, 171
Standish, 60-66
Standish, 91, 194, 244
 " *Alexander*, 56, 63
 " *Church*, 227
Standish Hall, 118
Standish, James, 54-59
Standish, Laurence, 60-68
 " *Parish of*, 95
Standish Parsonage, 54-58
Standish, Peter, 195
 " *Piers*, 61, 65
 " *Ralph*, 67
 " *Rauf*, 58, 61, 67
Standish, Richard, 60-67
Standish, Sir Richard, 194, 195
Standish, Robert, 64
Standishe, James, 95
 " *Ralph*, 227
 " *Roger*, 227
 " *William*, 58, 64
Standyshe, Rauff, 55
Standyshe, Alice, 212, 213
 " *Margaret*, 68
Staneley, 115
Stanley, Dame Anne, 126
 " *Edward*, 127, 235, 238
Stanley, James, 236
Stanley, Sir James, 125-128
Stanley, John, 99
Stanley, Sir John, 236, 237
Stanley, Lord, 88, 90, 94, 96
 " *Peter*, 92
 " *Richard*, 234
 " *Thomas*, 127
 " *Lord Thomas*, 99
Stansfield, Oliver de, 35
Starkey, Laurence, 238
 " *Thomas*, 37
Steynall, 15
 " *Robert*, 15
Stonys, Robert, 71
Stopforth, 64
Strangeways, 156
Strangwaies, Philip, 156, 157
Strangwaies, Thomas, 156, 157
Strangwys, James, 99
Strengfellowe, Thomas, 221
Strete, Alexander, 60, 61, 64, 66-69
 " *Alice*, 60, 67, 68
 " *Ann*, 60, 67, 68
 " *Edward*, 64-67
 " *Isabel*, 60, 67, 68

Strete, Jane, 60, 67, 68
 " *Margaret*, 60, 64, 66-68
 " *Richard*, 67
 " *Sir Thomas*, 199
 " *Thurstan*, 65-67
Strey, Thomas, 82
Stringer, Sir John, 154
Stroder, Robert, 17
Stryndes, 219
Stubbleby, 143, 152
Sumner, Sir Richard, 244
 " *Robert*, 188
 " *Thurstan*, 113, 114
Sumpner, Robert, 188
Suton, Edmond, 143
Sutton, Edmund, 144
Swansey, Johnet, 64
 " *Robert*, 7, 61
Swathmore, 100, 103
Swayne, John, 34, 38
Sydall, William, 112
Syke, Thomas, 15
Symonestone, John de, 35
Symond, William, 185
Symondiston, 35
Symounde, Thomas, 185
Sympson 61
 " *Henry*, 60, 62, 63, 66
Symson, James, 18
Synderland, 122
Singleton, Little, 15
 " *Much*, 15
 " *Thomas*, 13, 14

T

Tabrer, Edward, 126
Tailor wife of John, 38
 " *Rauff*, 26
Tailor, Nicholas, 14
Tailor, Nicholas, 45
 " *Richard*, 45
Talbot, John, 171
Talbot, Thomas, 164-166
Taleor, Roger, 201
Tange, Rauff, 45
Tarleton, 143, 146
 " *William*, 91
Tasker, Edmond, 71
Taylor, John, 34
Taylor, John, 227, 228
Taylor, Sir Richard, 228, 229
Taytlow, John, 84
Tempest, Nicholas, 231
 " *Richard*, 231
 " *Sir Richard*, 1, 39, 109,
 246
 " *Sir Thomas*, 169

Tetlawe, Edmund, 86
 „ Reginolde, 85, 86
 Tetlow [Tetlawe], Agnes, 163
 „ Edmund, 217
 Tellow, John, 162, 163
 Tetlowe, John, 217
 Thawyttes, John, 19
 Thomson, Laurence, 123
 „ Nicholas, 24
 „ Robert, 23
 „ William, 122
 Thornborough, Roland, 23, 24
 „ Roulyn, 19
 Thornborowe, Nicholas, 149
 Thorneburgh, Nicholas, 147
 „ William, 3
 Thorneton, 15
 Thornton, 237, 238
 Thorton, Richard, 144
 Throppe, John, 45
 „ Nicholas, 45
 Thryllfalle, John, 200
 Thurland, 237
 Thurstonson, Robert, 143
 Todde, George, 143
 „ Richard, 142
 Tokstristh, Henry, 116
 Tomlynson, Thomas, 167
 „ William, 151
 Tomson, John, 15
 Totyngton, Lordship of, 108, 109
 Towneley [Townley], Dame Anne,
 168, 169
 „ Charles, 168, 182
 „ Ellen, 132
 „ John, 37
 „ Sir John, 35, 36, 39, 132,
 167-169, 181, 182
 Towneley Laurence, 131, 133
 Towneley, Sir Richard, 37
 Towneley, Thomas, 131, 133
 Townley, 167, 168
 Townley, John, 181, 182, 241
 Townley, Laurence, 32
 „ Master, 152
 „ Nicholas, 110, 111
 Townley, Richard, 167-169, 179, 181,
 182, 241
 Trafford, Sir Edmund, 233
 „ George, 156
 Trafford, Margaret, 155
 Trafford, Mr., 90
 Trafford, Ralph, 155, 156
 Trafford, William, 209
 Trafforde, Edmund, 225
 Traffort, Edmund, 30
 „ Sir Edmund, 30
 Trenchmeyr, John, 241
 Tresham, Isabel, 201, 202

Trigge, Thomas, 90
 Troughton, Robert, 101
 Trowden, 1
 Trynbell, 102
 Tunstall, Bryan, 237
 Tunstall, Cuthbert, 237
 Tunstall, Marmaduke, 237, 238
 „ Nicholas, 19
 Tunwath, 105
 Turner, William, 134, 212
 Turnon, Geffray, 25
 „ Roger, 65
 Turton, 8, 9
 Turton, Hugh, 44, 46
 „ James, 44, 46
 „ Matthew, 44, 46
 „ Peter, 45
 „ Robert, 45, 46
 Tw hates, John, 21, 23
 Twis [Twisse], Agnes, 81
 „ Richard, 76, 81
 Twiscleton, 35
 Tyldisley, Thurstan, 7
 Tyldsley, Thurstan, 177, 178
 Tyllesley, Thurstan, 256
 Tynney Noke, 102
 Tynkler, Richard, 13, 14

U

Ugnall, Robert, 69
 „ Roger, 60, 62, 67, 68
 Ulverston, 19, 146
 Ulverston, 102
 „ Barony of, 101
 Ulverston Parikh Cawrch, 146, 148
 Ulveswalton, 185, 187, 189, 190
 Upholland, 249
 Urmeston, Ellen, 75-80
 Urmeston, Gilbert, 75-81
 „ James, 92, 94
 Urmeston, John, 75, 82, 201, 202
 Urmeston, Nicholas, 64
 „ Margery, 79
 „ Oliver, 64
 „ Parnell, 79
 Urmeston, Ralph, 75, 201, 202
 Urmeston, Rauf, 82
 „ Richard, 42, 53, 80, 91,
 95
 Urmeston, Richard, 150
 Urmeston, Roger, 42, 79
 „ William, 76-79
 „ Sir William, 77-81
 Urmston, John, 53
 „ Moss, 101
 Urmyston, Richard, 91
 Urswick [Ursewyke], 101

V

Vawse, Christopher, 64
Vnsworth, Edward, 167

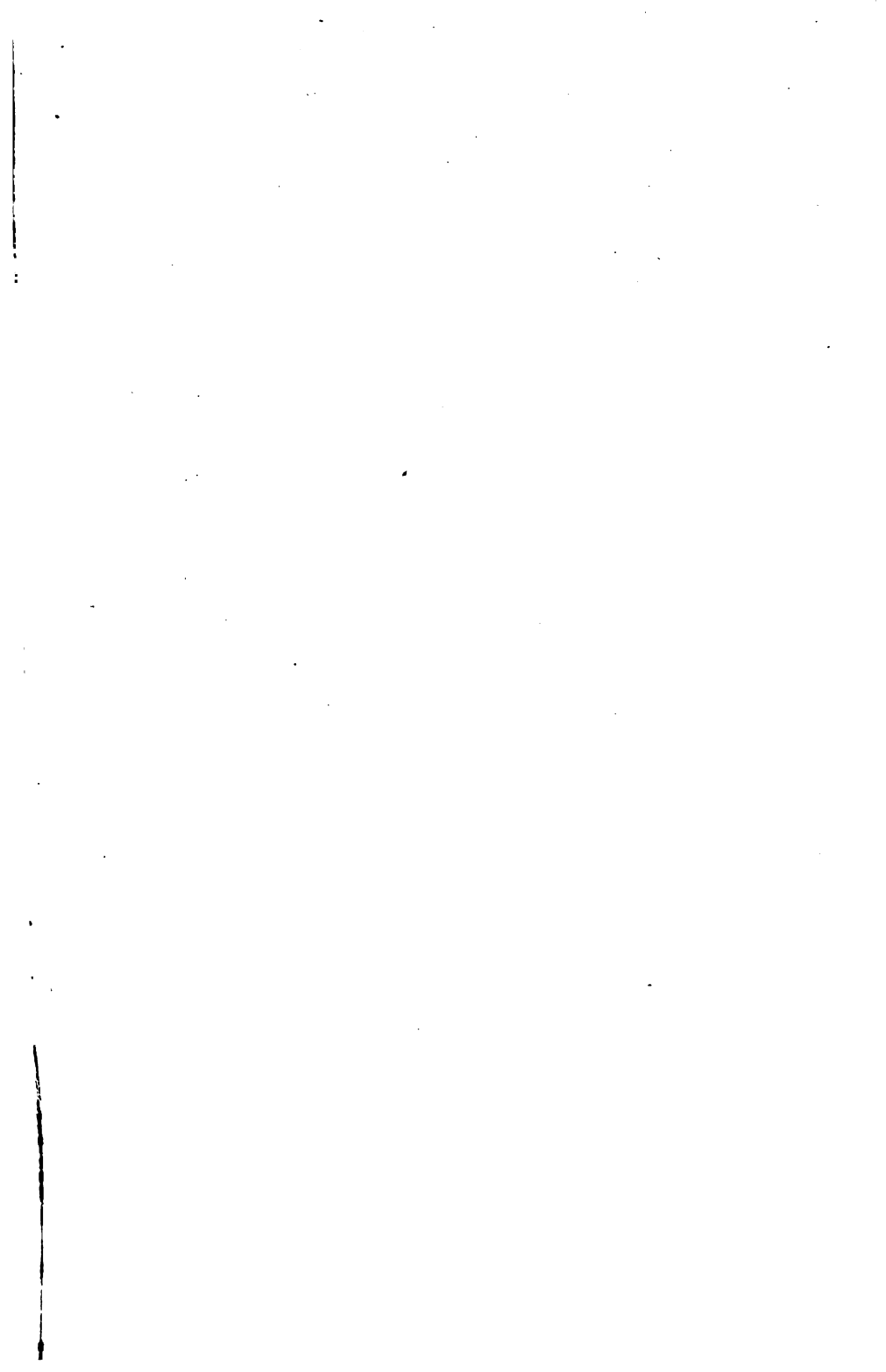
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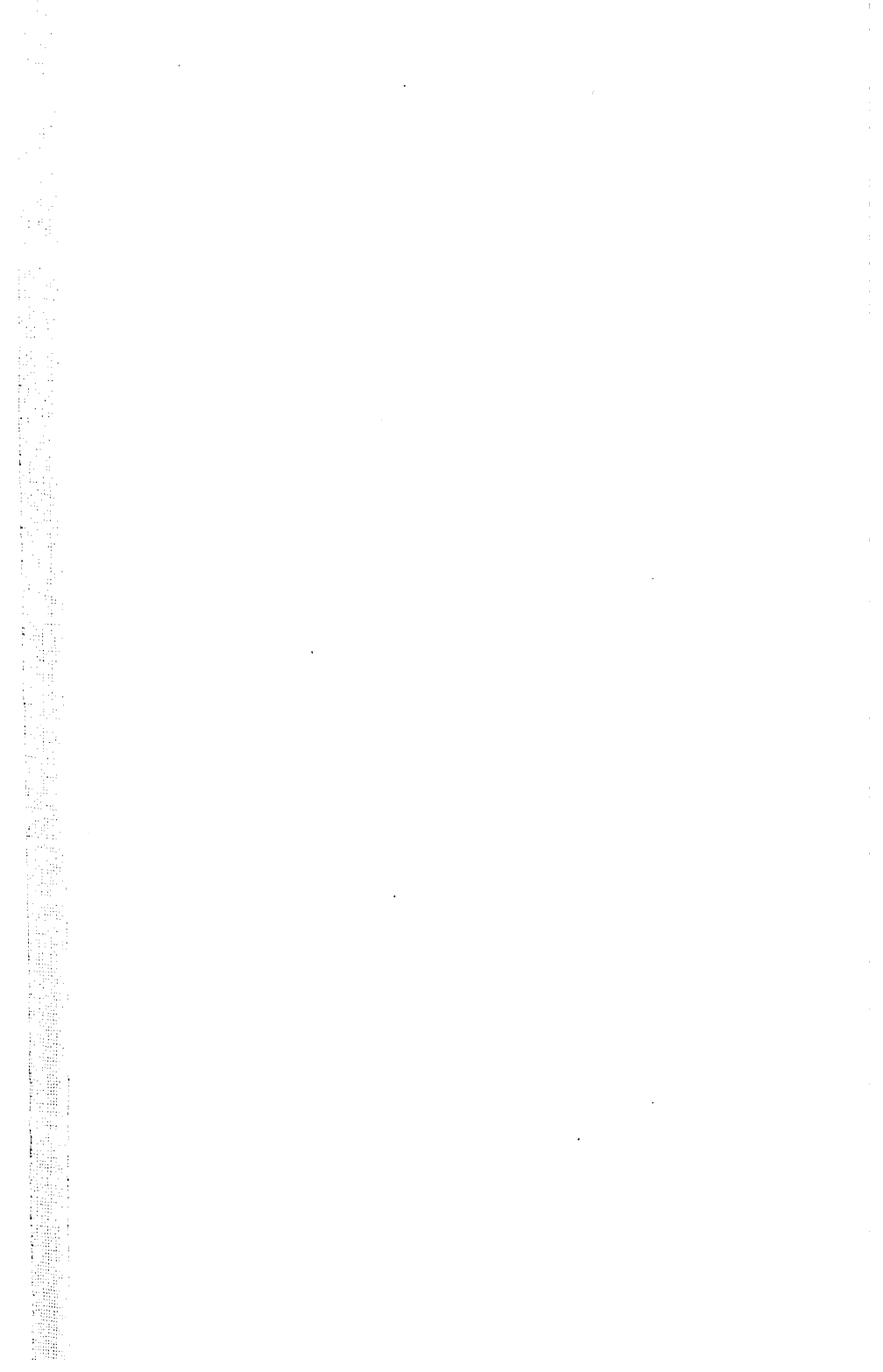
Wackenson, John, 91
Walbanke, Henry, 144
Walcar, William, 120
Walkedeyn, Henry, 46
Walker, Henry, 83
 " Margaret, 216-218
 " Robert, 32
Walker, Robert, 129
Walker, Seth, 85, 216-218
Walker, Thomas, 119
Walker, William, 119
Wall, Sir William, 96
Walmsley, James, 186, 188
 " John, 126
 " Laurence, 188
 " Richard, 184, 186, 188,
 190
 " William, 186, 188
Walschagh, Adam de, 35
Walthew, Peres, 159, 160
 " Robert, 28
Walton, 70, 71
 " Agnes, 6
 " Christopher, 38
Walton, Christopher, 49
Walton, Ellen, 5, 7
 " Henry, 33, 34, 38
Walton, James, 5-8
Walton, James de, 35
 " Pierce, 47
 " Richard, 6, 33
Walton, Thomas, 5-8
Walton-le-dale, 188, 190
Wannesley Chapel, 9
Warbreck, 16, 17
Wardles, 250
Warrington, 31
Warrington, 121, 206-208
Warrington Church, 120
Warrington Parsonage, 120, 121, 137
Warton, 13, 14, 154
Warton Church, 240
Warton, Parson of, 240
Warton, Sir Thomas, 204, 205
Waryngton, 228, 229
Waterward, Andrew, 187-190
 " Gilbert, 189
 " Hugh, 187-189
 " William, 189
Watmoghe, Thomas, 45
Watson, Anthony, 105

Wavertree, 116
Wawedeney, Charles, 45, 46
 " Henry, 44
 " Peter, 44, 46
 " Rauff, 44, 46
Wayne, William, 211
Wayryng, Gilbert, 114
Wayrnge, Thomas, 188
Webster, James, 156
Wegan, William, 45
Welcheman, Richard, 164-167
Wellflett, George, 211
Weredyn, Thomas, 185
West, George, 233
 " Thomas, 232
Westby, 14
 " William, 19
Westbye, William, 203
West Chester, 53
Westham, 137
Westhead, 125-128
Westhoughton, 25, 26, 51, 157, 158
Westhoughton Court, 150, 151
Westleigh, Mill in, 201, 202
West Leigh, 76, 77
Westminster, 160
Wethyngton, George, 45
 " Henry, 44
Weryrynge, Anne, 170
 " Thomas, 170
Whalley, 31-37, 223, 245
Whalley Abbey, 124
Whalley, Abbot of, 17, 33, 132, 233
Whalley, Abbot of, 54-59, 151, 245
Whalley, Church, of, 34
 " James, 167
 " John, Abbot of, 7
Whalley, John, Abbot of, 31-38, 106,
 251
Whalley Monastery, 39
 " Parish Church, 223
 " Robert, Abbot of, 34-39
Wheacre, James, 180
 " John, 180
 " William, 180
[*See also Whitacre*]
Wheelton [Whaleton], 95
Whertone, Lord, 204
Whitbek, 173-175
Whitbeck, Tenants of, 173
Whitacre, Christopher, 36
Whitacre, Elice, 180, 181
Whitacre, Richard de, 35
 " Thomas, 180, 181
[*See Wheacre*]
White, Hyles, 84
 " Rafe, 102
Whiteacre, Laurence, 37
 " Richard, 36, 37

- [See Wheacre]
 Whiteside, William, 15
 Whithed, Nicholas, 83, 85, 180
 " Richard, 86
 Whittell, Brian, 185
 Whittingham, 200
 Whittle, 95
 Whittle, 183
 Whittle [Whetyll], Thurstan, 95
 Whittle-le-Woods, 183
 Whittyll, Roger, 45
 Whittington, John, 240
 Whityll, William, 67
 Whyte, Hiles, 217
 Whytepayn, John, 120, 121
 Whytnell, Christopher, 114
 Whytyll, Roger, 45
 Wigan, 42, 63, 66
 Wigan, 212, 251
 Wigan Church, 129
 Wigan Church, 210, 251
 Wigan Fair, 210
 Wigan, John, 67
 Wigan, Mayor of, 210, 251
 Wigan, Parish of, 111
 Wigan Parsonage, 110
 Wigan, William, 58
 " Woodhouse, 42
 Wilkinson [Wylkynson], Roger, 88,
 94
 Willesblyth, Christopher, 167
 Williams, Peter, 150
 Williamson, George, 126
 " Peris, 150
 " Robert, 248
 Wilson, Anthony, 32
 " Edward, 113
 " John, 38
 " Richard, 36
 Wingfeld, Rt. Hon. Sir Richard,
 235, 250, 251
 Winwick [Wynwyke], 81, 97
 Witha, Alice, 37
 Woderose, John, 37
 Wolfyncroft, John, 214
 Wood, Hugh, 175
 " John, 163
 Woodcoke, George, 113
 Wooddes, Robert, 189
 Woodburn, John, 23
 Woode, Gilbert, 53
 " William, 230
 Woodes, Warynges, 89, 91
 Woodhouse, Eleanor, 7
 Worden, 115
 Worsley, Peter, 26
 Wosnecrofte, Thomas, 112
 Worthington, 66
 " Matthew, 66
 " Nicholas, 64
 " Perys, 113, 114
 " Peter, 195
 Wrayton, 237, 238
 Wrea, 14
 Wretington, Thomas, 66
 Wreghtynton, Robert, 42
 " Thomas, 42
 Wright, Thomas, 113
 Writington, Thomas, 61
 Wroith, Robert, 111
 Wryght, John, 17, 114, 134
 " William, 183
 Wryghtynton, John, 56
 Wursthorn, 168
 Wyat [Wyot], Richard, 251
 Wyatt, Robert, 251
 Wygnall, Henry, 143
 Wyld, Elizabeth, 215
 " Robert, 217, 218
 " Thomas, 216
 Wyldyng, Jeffrey, 144
 Wylson, Henry, 32
 " John, 32
 " Laurence, 34
 Wymard, William, 68, 69
 Wymstrandey, William, 42
 Wyngfelde, Thomas Maria, 120
 Wyngfeld, Rt. Hon. Sir Richard,
 82, 240
 Wyngreng, Robert, 241
 Wynkefeld, Rt. Worshipful Sir
 Richard, 249
 Wynnard, William, 62
 Wynnarth, Thomas, 227
 Wynstanley, Thomas, 63
 Wynsterley, James, 42
 Wynward, Thomas, 228
 Wynwyk, 104
 Wynwyke Church, Parson of, 236
 Wyrall, Ewayne, 215
 Wyrthyngton, Robert, 227, 228
 Wytell, Adam, 53
 Wyther, Antony, 167
 Wytworth, Richard, 152
 Wytynton, George, 53

 Y.
 Yaresworth Water, 219
 Yate, William, 93, 97
 Yvonson, Robert, 167





JUL 7- 1931

